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Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Report of the Secretary-General

Summary

Pursuant to General Assembly resolutions 69/15 and 70/202, the present report addresses progress made in the implementation of the Samoa Pathway and the commitments and partnerships agreed to at the third International Conference on Small Island Developing States. The report is the second annual report since the adoption of the Samoa Pathway. It provides examples of activities, including national implementation, development assistance and partnerships. It reflects on the need for implementation approaches that take advantage of the momentum and resources generated by the 2030 Agenda for Sustainable Development, while maintaining the specific focus of the Samoa Pathway on small island developing States. The present report should be read in conjunction with other reports of the Secretary-General, in particular on the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development and on the sustainable development of the Caribbean Sea for present and future generations.

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I. Introduction

1. At the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, Member States first acknowledged that small island developing States were a special case with respect to both the environment and development, and highlighted their vulnerabilities, including those stemming from climate change and sea-level rise. At the Global Conference on the Sustainable Development of Small Island Developing States, held in Bridgetown, Barbados, in 1994, the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action) was adopted, establishing a process within the Rio work stream that continued through the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, held in Port Louis, Mauritius, in 2005, and the adoption of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (Mauritius Strategy) and the third International Conference on Small Island Developing States, held in Apia, Samoa, in 2014, and the adoption of the Samoa Pathway. Small island developing States were simultaneously engaged in the implementation of the Millennium Development Goals.

2. Today's holistic development agenda is driven by a different mindset, crystallized in the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals, which build on the legacy of the Millennium Development Goals. The 2030 Agenda is a universal agenda, applicable to developed and developing countries alike.

3. In many ways the Samoa Pathway, adopted one year before the 2030 Agenda, reflects the same holistic approach. Other agreements crucial to small island developing States were also reached in the landmark year of 2015, including the Sendai Framework for Disaster Risk Reduction 2015-2030, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement on climate change, and they too reflect the integrated character of the 2030 Agenda.

4. Based on the input received for the present report, as well as statements made in intergovernmental forums and research conducted through expert meetings, it is evident that the small island developing States themselves, Member State partners, the United Nations system, other regional and international organizations and other stakeholders, including the private sector and civil society, are currently pursuing the complementary agendas of the Samoa Pathway and the Sustainable Development Goals. The year 2016 marks the second year of implementation of the Samoa Pathway and the first year of implementation of the Sustainable Development Goals, and ambitious, integrated and coherent action in these early days is clearly critical for long-term success.

5. The United Nations system has pledged to mainstream the pursuit of the 2030 Agenda into all of its activities. The United Nations System Chief Executives Board for Coordination, representing the leadership of all United Nations system entities, has adopted common principles for the implementation of the 2030 Agenda, stressing that in an enhanced culture of collaboration, each entity will contribute according to its strengths across the 17 indivisible goals in a transparent and accountable way to deliver shared United Nations results in support of Member

States at global, regional and country levels.[1] Other regional and international organizations are also working to align their operations to implement the 2030 Agenda, including organizations of small island developing States, such as the Caribbean Community (CARICOM) secretariat and the Council of Regional Organizations in the Pacific (CROP).

6. Member States are also working to integrate the 2030 Agenda into their national development plans and strategies. The 2016 session of the high-level political forum on sustainable development featured voluntary national reviews from 22 developed and developing countries, including one small island developing State, namely, Samoa, which demonstrated that sustainable development was being driven in an integrated manner, with leadership from the office of the Head of State or Government and coordination through a joint effort among several ministries.

7. Notably, in the voluntary national review of Samoa, the delegation of Samoa spoke of implementation of the 2030 Agenda and the Samoa Pathway in the same breath, stating clearly that progress in one would mean progress in the other, but also that the small island developing States-specific agenda of the Samoa Pathway would ultimately shape the approaches of Samoa. Similarly, in interventions throughout the session of the high-level political forum, other small island developing States and the Chair of the Alliance of Small Island States reiterated the importance of pursuing the 2030 Agenda in tandem with the Samoa Pathway. Palau, as an example, showed how its approach to the 2030 Agenda was anchored in the establishment of a marine protected area in the exclusive economic zone, reflecting the strong oceans focus of the Samoa Pathway.

8. In spite of these calls and examples, however, some representatives of small island developing States at the high-level political forum and meetings relating to small island developing States indicated that, while the Sustainable Development Goals were receiving significant attention and strategic thought in their countries, there was a risk that the Samoa Pathway would fade from the capital-based planning process unless urgent attention was paid to the complementary, integrated implementation of the Samoa Pathway and the 2030 Agenda. A representative of Jamaica, for example, outlined the domestic institutional challenges arising from integrating the two outcome documents.

9. The United Nations system and other partners need to formulate an approach to the Samoa Pathway that takes advantage of the strength and momentum of the Sustainable Development Goals process, while maintaining the priorities and perspectives specific to small island developing States contained in the Samoa Pathway. Lessons can be drawn from regional organizations like the CARICOM secretariat and the CROP organizations, which are laying the groundwork for joint implementation. The Sustainable Development Working Group of the CROP organizations, including the secretariat of the Pacific Islands Forum and the secretariat of the Pacific Community, for instance, has prepared a road map for the integrated implementation and monitoring of and reporting on the Sustainable Development Goals, the Samoa Pathway and their own "Framework for Pacific Regionalism". (Sustainable Development Goal 17). Similarly, the United Nations Office for Disaster Risk Reduction is developing a monitoring mechanism that

[1] See https://undg.org/wp-content/uploads/2016/06/Item-1-CEB-Common-Principles-for-the-Implementation-of-the-2030-Agenda.pdf.

integrates the Sendai Framework, the Samoa Pathway and the Sustainable Development Goals (Sustainable Development Goals 11, 13 and 17).

10. The United Nations system is adapting in response to Member State demands. At its second session, in 2016, the United Nations Environment Assembly adopted resolution 2/4 on the role, functions and modalities for United Nations Environment Programme implementation of the Samoa Pathway as a means of facilitating achievement of the Sustainable Development Goals. The resolution mandates the United Nations Environment Programme (UNEP) to undertake efforts that will advance both Samoa Pathway objectives and the Sustainable Development Goals. In its resolution 70/202, the General Assembly requested the Joint Inspection Unit to undertake a comprehensive review of United Nations system support to small island developing States in order to ensure a coherent and coordinated approach by the United Nations system to further improve and strengthen its overall effectiveness and delivery with respect to small island developing States. The final review will be completed at the end of 2016; a preview of the comprehensive review will be issued as an addendum to the present report. Also in resolution 70/202, the Assembly urged that effective linkages be made between the follow-up and review arrangements for the 2030 Agenda for Sustainable Development and those of all relevant United Nations conferences and processes, including the Samoa Pathway, in line with the 2030 Agenda.

11. The present report provides an overview of activities undertaken in the past year to advance implementation of the Barbados Programme of Action, the Mauritius Strategy and the Samoa Pathway. Relevant bodies of the United Nations system, including the regional commissions, regional intergovernmental organizations of small island developing States, and Member States were consulted in the course of its preparation.[2]

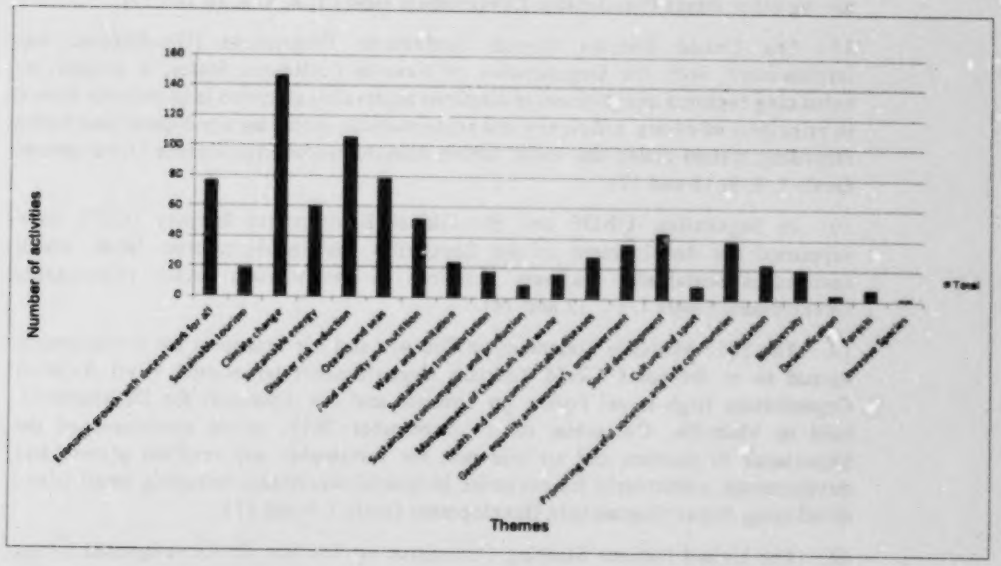
II. Implementation of the Samoa Pathway

12. In the preparation of the present report, entities of the United Nations system and other organizations, as well as small island developing States and partner Member States, submitted descriptions of the activities they undertook in the past

[2] Input was received from the Commonwealth Secretariat, the Economic and Social Commission for Asia and the Pacific, the Food and Agriculture Organization of the United Nations (FAO), the Global Environment Facility, the International Atomic Energy Agency, the International Civil Aviation Organization, the International Labour Organization, the International Organization for Migration, the International Renewable Energy Agency, the International Trade Centre, the International Telecommunication Union, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the United Nations Development Programme (UNDP), the secretariat of the Pacific Regional Environment Programme, the United Nations Conference on Trade and Development, the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Human Settlements Programme, the United Nations Children's Fund, the United Nations Office for Disaster Risk Reduction, the United Nations Office on Drugs and Crime, the United Nations Office for South-South Cooperation, the United Nations Entity for Gender Equality and the Empowerment of Women, the World Tourism Organization, the World Bank, the United Nations Population Fund, the Governments of Australia, Austria, Canada, Cuba, the Dominican Republic, Germany, Italy, Jamaica, Japan, Mexico, Portugal, the Russian Federation, Samoa, Singapore, Sweden and the United States of America, and the European Union.

year to advance implementation of the Samoa Pathway, the Barbados Programme of Action and the Mauritius Strategy). As shown in the figure below, the highest number of activities was devoted to the areas of climate change, disaster risk reduction and oceans — some of the "traditional" sustainable development priorities for small island developing States articulated at the Rio Conference.[3] However, significant attention is also being paid to social and economic priorities of small island developing States, in particular economic growth. This reflects the integrated approach to sustainable development advanced in the Samoa Pathway and the 2030 Agenda — an approach with poverty eradication at its core.

Number of activities reported to the United Nations-Secretariat, categorized by Samoa Pathway themes



13. The present report includes a sampling of the activities and initiatives reported by United Nations system and other organizations as well as small island developing States and partner Member States, to illustrate the kinds of efforts undertaken in the past year, but it is not exhaustive. The activities are arranged according to the themes of the Samoa Pathway, with the relevant Sustainable Development Goals indicated in parentheses at the end of each activity to serve as a reminder of the close links between the Samoa Pathway and the 2030 Agenda.

[3] This quantitative analysis represents a simple counting of the activities reported by each organization, according to the relevant substantive themes for each activity. Where an activity was relevant to more than one theme, it was counted under both themes. Activities that were not explicitly covered by the SAMOA Pathway, such as urbanization and human settlements, land rights and housing, were counted under the most relevant themes, including economic growth with decent work for all, social development, sustainable transportation and water and sanitation. Anti-corruption issues were counted under promoting peaceful societies and safe communities.

Sustained and sustainable, inclusive and equitable economic growth with decent work for all: development models in small island developing States for the implementation of sustainable development and poverty eradication and sustainable tourism

14. The Government of Samoa adopted the Samoa National Action Plan on Youth Employment in 2015 with technical support from the International Labour Organization (ILO) and linked to the Samoa "One United Nations" Youth Employment Programme".[4] The Programme advanced a youth entrepreneurship e-platform on labour market information and labour-based technology for rural infrastructure development. In Timor-Leste, ILO supported the establishment of a labour market information system, as well as vocational training and skills development and market-oriented services to microenterprises and small enterprises, among other things (Sustainable Development Goals 1, 4, 8, 9, 10 and 17).

15. The United Nations Human Settlements Programme (UN-Habitat) has implemented, with the Organization of Eastern Caribbean States, a project for enhancing regional and national institutions to develop effective land policies rooted in principles of equity, efficiency and sustainability, including a pro-poor land rights recording system called the social tenure domain model (Sustainable Development Goals 1, 8, 9, 15 and 17).

16. In Seychelles, UNDP and the Global Environment Facility (GEF) have supported the development of the Seychelles sustainable tourism label, which encourages sustainable business practices in the tourism sector (Sustainable Development Goals 1, 11, 12 and 14).

17. The 2015 Medellín Statement on Tourism and Air Transport for Development agreed to at the joint World Tourism Organization/International Civil Aviation Organization High-Level Forum on Tourism and Air Transport for Development, held in Medellín, Colombia, on 14 September 2015, raised awareness of the importance of tourism and air transport for sustainable and resilient growth and development, particularly for countries in special situations, including small island developing States (Sustainable Development Goals 7-9 and 11).

18. The United Nations Steering Committee on Tourism for Development brings together experts in the field of tourism to create synergies and enhance coordination in delivering technical assistance to developing countries in the tourism sector. The first World Conference on Tourism for Development, held in Beijing from 18 to 21 May 2016, adopted the 2016 Beijing Declaration, which asserted the important role that the tourism industry plays in economic growth, social progress and world peace, all of which are particularly relevant for small island developing States (Sustainable Development Goals 1, 8, 9, 11 and 16).

Climate change

19. As reflected in the small sample of activities described below, most of the activities relating to climate change focused on adaptation rather than mitigation, which is appropriate since small island developing States contribute almost nothing to the global total of greenhouse gas emissions and yet they are suffering most acutely from the impacts of the climate crisis.

[4] Other partners include FAO, UNDP, UNESCO and United Nations Volunteers.

20. In April 2016, the United Nations Office for South-South Cooperation and the Executive Office of the Secretary-General launched a new initiative, the Southern Climate Partnership Incubator, to foster South-South partnerships in the areas of renewable energy, climate resilience, smart cities and big data application (Sustainable Development Goals 7, 11 and 17).

21. The Small Island States Resilience Initiative, launched by the World Bank, supports small island developing States in reducing climate and disaster risks with tools to assess coastal engineering problems and develop solutions. Under the Initiative, a community of practice was created among small island developing States practitioners to share practical knowledge and experience (Sustainable Development Goals 11, 13, 14 and 17).

22. In 2015, the International Organization for Migration (IOM) created a dedicated Division on Migration, Environment and Climate Change tasked with developing activities and partnerships on the migration, environment and climate change nexus. IOM has also developed a training manual on migration, environment and climate change to support the development of national capacities to better understand and take action on the climate migration nexus (Sustainable Development Goals 11, 13 and 17). Furthermore, the "Migration, environment and climate change: evidence for policy" project, funded by the European Commission and managed by IOM and six partners, focuses on the Dominican Republic, Haiti, Mauritius and Papua New Guinea and examines the benefits and challenges of migration, displacement and relocation (Sustainable Development Goals 1, 8, 11, 13, 16 and 17).

23. Through the initiative "Enhancing South-South cooperation for capacity-building in science: towards economic resilience to natural shocks in the Pacific and Southeast Asia", the United Nations Educational Scientific and Cultural Organization (UNESCO) and partners have developed a toolkit for assessing loss and damage at the community level (Sustainable Development Goals 11, 13 and 17).

24. Through its Sandwatch project, UNESCO is developing a community-based observatory of changing coastal environments in small island developing States to serve as a global archive of coastal and beach changes that is also a baseline for measuring the impacts of climate change and variability, building on the existing Sandwatch international database. Capacity-building workshops were held in 2015 to train Sandwatch practitioners from Cabo Verde, Cuba, the Dominican Republic, Trinidad and Tobago and the Cook Islands to enter monitoring data from their beaches (Sustainable Development Goals 13-15 and 17).

25. Inputs showed that financial support for addressing climate change comes from a wide variety of sources. Funding for UNDP climate-related initiatives in small island developing States comes from GEF and from the Least Developed Country Fund, the Adaptation Fund and others. Canada will contribute $2.65 billion over the next five years to help developing countries mitigate and adapt to the adverse effects of climate change. The Integrated Climate Change Adaptation Strategies programme in Grenada, as another example, is funded at €5.2 million by the International Climate Initiative of Germany. Australia will commit at least $A1 billion to build resilience and reduce emissions over the next five years in vulnerable countries, focusing on the Pacific region.

Sustainable energy

26. In 2015, the SIDS Lighthouses Initiative of the International Renewable Energy Agency helped 30 island partners set renewable energy targets, with 14 small island developing States aiming to have more than 50 per cent of electricity coming from renewables by 2020. Renewable readiness assessments have been developed for Antigua and Barbuda, the Bahamas, Grenada, Kiribati, Fiji, the Marshall Islands, and Vanuatu; and renewable energy road maps have been or are being developed in Barbados, Kiribati, Maldives, Mauritius, Micronesia (Federated States of) and Palau. Grid stability studies have been completed for Antigua and Barbuda, Fiji, Cuba, Samoa, Vanuatu and the Cook Islands. A framework and methodological guide for undertaking grid stability studies is currently in preparation, and the Agency also completed a road mapping baseline report for Pacific small island developing States (Sustainable Development Goals 7-9, 11, 13 and 17).

27. Renewable energy coordination centres have been established in the three small island developing States regions with funding from donors, including Austria. The establishment of the Caribbean Centre for Renewable Energy and Energy Efficiency was endorsed by the Conference of Heads of Government of CARICOM in July 2015. It has started its operations in Bridgetown, working to create an enabling environment for sustainable energy investments and markets by mitigating existing barriers and acting as a regional hub for sustainable energy issues and activities. The secretariat of the Pacific Centre for Renewable Energy and Energy Efficiency will be hosted by the Government of Tonga under the Pacific Community framework and will be inaugurated in August 2016 at the twenty-fifth annual conference of the Pacific Power Association. The Economic Community of West African States (ECOWAS) Centre for Renewable Energy and Energy Efficiency, based in Cabo Verde, will act as the coordinative hub and think tank for regional sustainable energy cooperation among all African islands (Sustainable Development Goals 7 and 17).

28. Through Melanesia's Million Miracle Programme, the Pacific Community aims to bring electricity to 1 million people in Melanesia by 2020, which is equivalent to 14 per cent of the Pacific Islands people who currently do not have access to electricity. The programme has already helped the pilot countries Papua New Guinea, Solomon Islands and Vanuatu, through the installation of a 12 Volt off-grid solar photovoltaic charging station and 200 solar pico lanterns, serving 3,600 rural people (Sustainable Development Goals 1, 5, 7, 9, 10 and 17).

29. The project on building resilience to climate change in islands through the energy sector, a partnership of SIDS DOCK, the Sustainable Energy and Climate Resilience Initiative, the CARICOM Climate Change Centre and the Swedish Energy Agency, is exploring the role of renewable energy, energy efficiency and conservation in building resilience to climate change in islands (Sustainable Development Goals 7, 9, 11, 13 and 17).

Disaster risk reduction

30. For the Caribbean region, Japan and CARICOM agreed to cooperate in enhancing resilience to disasters relating to climate change. Japan is also supporting African island countries with projects such as climate radar systems, anti-landslide

measures, coastal protection in Mauritius and coastal erosion and flood management in Seychelles (Sustainable Development Goals 1, 11, 13, 14 and 17).

31. Italy launched a new regional programme in the Caribbean small island developing States in 2015 in disaster risk management and rural development, promoting bidirectional information flows of agrometeorological data, enhancing agricultural productivity in the Caribbean and mobilizing local volunteering groups to ensure adequate circulation of information on disaster risk management (Sustainable Development Goals 2, 3, 11 and 17).

32. The Russian Federation-UNDP Trust Fund for Development has allocated $7,500,000 for the UNDP project on disaster resilience for Pacific small island developing States (2016-2019). The Russian Federation also contributed to efforts aimed at relieving post-disaster situations, including the Vanuatu debris clearance initiative in 2015 ($500,000) (Sustainable Development Goals 11, 13 and 17).

Oceans and seas

33. The Western and Central Pacific Fisheries Commission, the Pacific Islands Forum Fisheries Agency, the secretariat of the Pacific Community and Pacific island countries have received technical assistance through the $150 million Food and Agriculture Organization of the United Nations (FAO)-GEF project on areas beyond national jurisdiction related to tuna.

34. Through the project "Reefs generate environmental and economic resiliency for atoll ecosystems", the United States and the International Union for Conservation of Nature (IUCN) are partnering with the Government of Maldives to increase the resilience of marine ecosystems through science-based decision-making and enhanced stakeholder engagement processes.

35. Portugal hosted a "blue week" in Lisbon in June 2015, during which public and private entities highlighted the importance of strengthening national capacities in small island developing States in the areas of conservation and sustainable use of oceans and marine resources (Sustainable Development Goals 12 and 14).

36. Preparations are under way for the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development, to be co-hosted by Fiji and Sweden and held in Nadi, Fiji, from 5 to 9 June 2017. It will follow up on the progress made in achieving Sustainable Development Goal 14.

37. The Global Coral Reef Partnership, under UNEP leadership, promotes ecosystem-based marine management in coral reef areas to reverse coral reef bleaching and has developed a climate model that projects coral bleaching conditions (Sustainable Development Goals 12-14). Under the Global Partnership on Marine Litter, UNEP also created a Caribbean regional node in October 2015 and a resolution on marine plastic litter and microplastics was adopted at the second session of the United Nations Environment Assembly (Sustainable Development Goals 2, 6, 14, 15 and 17).

Food security and nutrition

38. The Ministerial Meeting on Food Security and Climate Adaptation in Small Island Developing States, held in Milan, Italy, from 14 to 16 October 2015, was

funded by Italy with support from the Department of Economic and Social Affairs of the United Nations Secretariat and FAO. At the Meeting, the Milan Declaration on Enhancing Food Security and Climate Adaptation in Small Island Developing States in the Framework of the Samoa Pathway was adopted. Following up on the Meeting, and in accordance with paragraph 61 of the Samoa Pathway, FAO is currently developing an action programme to address food and nutrition challenges facing small island developing States (Sustainable Development Goals 1-3, 5, 8, 13-15 and 17).

39. FAO supports small island developing States in implementing "blue growth" approaches emphasizing efficient resource use in fisheries and aquaculture, ecosystem services, trade, livelihoods and food systems. For instance, through the blue growth initiatives, FAO is promoting seaweed farming and value chain development, focusing especially on women in Kiribati and Saint Lucia (Sustainable Development Goals 1-3, 5, 14 and 17). FAO has also supported the Marshall Islands and Micronesia (Federated States of), Nauru and Palau in the establishment of the Micronesian Association for Sustainable Aquaculture (Sustainable Development Goals 14 and 17).

40. The International Trade Centre (ITC) has piloted a new agrifinance and enterprise development service in Fiji that provides micro, small and medium enterprises with independent financial management advice in the farming sector. Within one year, more than F$2.7million had been disbursed, including to beneficiaries who would not normally be eligible for financing. This and proactive assistance from a team of local, internationally qualified food safety counsellors, developed under the projects, has led to a threefold increase in income on average for nearly 1,000 farmers in one of the poorest regions of Fiji (Sustainable Development Goals 1, 2 and 17).

Water and sanitation

41. A UNEP/UNDP/GEF project on integrating water, land and ecosystems management in Caribbean small island developing States is supporting policy, institutional and legislative reforms as well as the implementation of technologies advancing access to safe and reliable water supplies and improved sanitation in nine Caribbean small island developing States (Sustainable Development Goals 6, 14 and 15).

Sustainable transportation

42. The International Civil Aviation Organization (ICAO) supports small island developing States in reduction of greenhouse gas emission from aviation. By 31 March 2016, Belize, Cuba, the Dominican Republic, Fiji, Jamaica, Mauritius, Sao Tome and Principe, Singapore and Trinidad and Tobago had submitted their State action plans on activities to reduce greenhouse gas emissions from international aviation. These small island developing States joined a group of 90 countries that together account for 88.05 per cent of global air traffic (Sustainable Development Goals 9, 11 and 13).

43. Through the programme Bicycles for Capitals, the secretariat of the Pacific Community and IUCN are promoting the use of bicycles to decrease vehicle congestion in capitals, reduce reliance on fossil fuel in the transport sector, improve and promote a healthy lifestyle that will contribute to the reduction of non-communicable diseases and empower youths through employment opportunities in Nauru, Niue and Tuvalu (Sustainable Development Goals 1, 3, 7, 8, 11 and 13).

Sustainable consumption and production

44. Under the sustainable consumption and production initiative for small island developing States within the 10-year framework of programmes on sustainable consumption and production, UNEP has designed a project on transforming tourism value chains in developing countries and small island developing States to accelerate more resilient, resource efficient, low carbon development, which will support the countries in reducing greenhouse gas emissions and improving resource efficiency in key tourism sector value chains (Sustainable Development Goals 1, 7, 9 and 11-13).

Management of chemicals and waste, including hazardous waste

45. The UNEP OzonAction Programme, through the Compliance Assistance Programme, supports the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer in all the small island developing States. UNEP Compliance Assistance Programme services for the small island developing States are focused on phasing down hydrochlorofluorocarbons in accordance with the Montreal Protocol and assisting the countries to sustain compliance with the phase out of ozone depleting substance. Many have exceeded their 10 per cent target for reduction for 2015 from established baselines; in the 12-country Pacific regional project, there is a reported 80 per cent reduction in hydrochlorofluorocarbons use (Sustainable Development Goals 13-15).

46. The International Partnership for Expanding Waste Management Services of Local Authorities, under the leadership of the United Nations Centre for Regional Development and UN-Habitat, aims to increase the capacity of local authorities for sustainable waste management towards a resource efficient and zero waste society to create liveable and sustainable cities (Sustainable Development Goals 6, 12 and 15).

Health and non-communicable diseases

47. Many Pacific small island developing States are taking decisive action to address the scourge of non-communicable diseases. The Government of Tuvalu, for instance, with the support of UNDP, developed a trade policy in the context of the negotiations on the Pacific Agreement on Closer Economic Relations that addresses the contribution of food imports and low tariff tobacco and alcohol to the high rates of non-communicable diseases in Pacific small island developing States.[5]

48. The International Atomic Energy Agency (IAEA) and the World Health Organization (WHO) have established an emergency reserve fund project to provide immediate assistance to the Marshall Islands to support the early and rapid detection of the Zika virus. IAEA also established national technical programmes for Fiji, the Marshall Islands, Palau and Papua New Guinea in 2016, and is working on the establishment of the technical programme for Vanuatu in 2018 (Sustainable Development Goal 3).

[5] See "Global, regional and national incidence, prevalence and years lived with disability for 301 acute and chronic diseases and injuries in 188 countries, 1990-2013: a systematic analysis for the global burden of disease study 2013", *The Lancet*, Vol. 386, No. 9995. Available from http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)60692-4/abstract. This study was a first-of-its-kind analysis of data between 1990 and 2013 from 188 countries on chronic diseases and injuries. It found that the rise in global obesity rates and non-communicable diseases over the past three decades has been rapid and substantial.

Gender equality and women's empowerment

49. In late 2015, UN-Women and the Caribbean Court of Justice signed the first-ever formal agreement to enhance the gender responsiveness of judicial practices, with particular focus on sexual and domestic violence. UN-Women also supported the development and adoption in 2015 of national strategic action plans on violence against women and girls in the Bahamas and Saint Vincent and the Grenadines (Sustainable Development Goals 5, 16 and 17). UN-Women also supports over 3,000 women in 17 market vendor associations in Fiji, the Solomon Islands and Vanuatu, ensuring gender equality and participation in sustainable economic growth through its Markets for Change programme. As a result, there was an increase in the participation of women in decision-making, and 59 women leaders are now in 17 market vendor associations in the Pacific (Sustainable Development Goals 1, 5 and 8).

50. The ITC project on "Women and trade — economic empowerment of women in the Pacific", implemented in Papua New Guinea, Samoa and Vanuatu, aims to increase incomes and exports for women entrepreneurs by building women's capacity to capitalize on market opportunities in formal markets and increase their economic benefits (Sustainable Development Goals 1, 5, 8, 10 and 17).

51. The United States of America and Sweden, with other partners, support a multi-stakeholder partnership, the lesbian, gay, bisexual, transgender and intersex Global Development Partnership, an initiative to promote lesbian, gay, bisexual, transgender and intersex equality in developing and emerging market countries, in partnership with the Dominican Republic, the Swedish International Development Cooperation Agency, the Astraea Lesbian Foundation for Justice, the Gay and Lesbian Victory Institute, the Williams Institute and Olivia Companies. It aims to increase the economic inclusion and democratic participation of lesbian, gay, bisexual, transgender and intersex people and to create sustainable, replicable models for social-political transformation enhancing lesbian, gay, bisexual, transgender and intersex human rights (Sustainable Development Goals 5 and 16).

52. In the Pacific Islands, the United Nations Children's Fund (UNICEF), WHO and the United Nations Population Fund (UNFPA) have supported the integration of reproductive, maternal, new-born, child and adolescent health into the Kiribati, Solomon Islands and Vanuatu national health plans and budgets (Sustainable Development Goals 3-5).

53. Pacific Women Shaping Pacific Development is a 10-year $A320 million programme funded by Australia, supporting 14 Pacific countries to meet their gender equality commitments. In the first three years of the programme, 12,897 women obtained increased access to crisis support services, 4,716 women participated in market decision-making structures and 1,716 women participated in financial literacy training, among other achievements (Sustainable Development Goals 1, 5 and 8).

Social development

Culture and sport

54. The initiative on heritage strengthening in the Pacific aims to create a pool of experts and decision-makers to improve implementation of the World Heritage Convention by small island developing States, particularly the Pacific World

Heritage Action Plan.[6] Under the initiative, a series of capacity-building workshops were held on the protection of heritage sites, including from natural disasters (Sustainable Development Goal 11).

Promoting peaceful societies and safe communities

55. With the support of the United Nations Office on Drugs and Crime, the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session adopted resolution 6/9 on strengthening the implementation of the United Nations against corruption in small island developing States. In the resolution, States parties highlighted the importance of technical assistance for anti-corruption tailored to the needs of small island developing States, and called for a dedicated platform for sharing of best practices in anti-corruption reform specific to small island developing States (Sustainable Development Goal 16).

Education

56. The United States Agency for International Development/Ministry of Education Partnership for Improved Reading Outcomes provided support to 66,646 students in Jamaica through reading resource centres, instruction manuals in gender and lesson planning and augmented assessment tools.

57. With its initiative "Bridging the GAP: driving partnerships for the Global Action Programme on Education for Sustainable Development", UNESCO is bringing together stakeholders from different regions to exchange experiences in implementing education for sustainable development in national education systems. UNESCO also implemented climate change education country programmes in Cuba, the Dominican Republic, Guyana, Mauritius, the Philippines and Tuvalu and organized training sessions on education for sustainable development to 45 education planners, education infrastructure planners and curriculum developers from the Caribbean countries (Sustainable Development Goals 4, 13 and 17).

58. The partnership on improving transitions from school to work through engaging youth in policy dialogue, also led by UNESCO, is engaging youth in policy dialogue on technical and vocational education and training (Sustainable Development Goals 1, 4, 8, 10 and 17).

Biodiversity

59. The Global Island Partnership promotes action to build resilient and sustainable island communities and protect island biodiversity. Since its launch 10 years ago, the Partnership has engaged high-level leaders to catalyse close to $150 million for island

[6] Partners include the Pacific Heritage Hub, the University of the South Pacific, the secretariat of the Pacific Regional Environment Programme, the secretariat of the Pacific Community, UNESCO, the International Union for Conservation of Nature (IUCN), the International Council on Monuments and Sites, the UNESCO World Heritage Institute of Training and Research for the Asia and the Pacific Region (China), the UNESCO International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region (China), the UNESCO International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region (Republic of Korea), the Small island Developing States Programme of the UNESCO World Heritage Centre, the International Coral Reef Initiative (Japan), the IUCN Commission on Environmental, Economic and Social Policy Theme on Culture and Conservation and the United Nations Environment Programme.

action and assisted more than 30 countries to launch or strengthen major sustainable island commitments (Sustainable Development Goals 13-15 and 17).

60. The biological corridor initiative in the Caribbean, implemented by Cuba, the Dominican Republic and Haiti, provides a framework of cooperation for the protection and reduction of loss of biological diversity in the Caribbean (Sustainable Development Goals 13-15).

Desertification, land degradation and drought

61. Japan's support for small island developing States through the fifth Tokyo International Conference of Africa's Development includes prevention of desertification and land degradation (Sustainable Development Goals 11, 13 and 15).

62. Germany is overseeing development cooperation projects in the Dominican Republic and Haiti to prevent land degradation and to promote reforestation and the conservation of agricultural land (Sustainable Development Goals 11 and 15).

Forests

63. The reforestation efforts of the Dominican Republic have contributed to the planting of 96,943,750 trees, in accordance with the Quisqueya Verde national plan. The Dominican Republic has also been working in collaboration with Haiti in the draft South-South cooperation called "Green border" to restore the Massacre River area at the border of the two countries (Sustainable Development Goals 1, 6, 8, 15 and 17).

Invasive species

64. The Dominican Republic has developed a national strategy for conservation and sustainable use of biodiversity and prepared its first national red list of threatened species. Furthermore, the country launched a programme to control exotic invasive species and a programme to protect endangered species under the IUCN Red List of Threatened Species (Sustainable Development Goal 15).

Means of implementation, including partnerships

Partnerships

65. In paragraph 101 of the Samoa Pathway the Secretary-General is requested, in consultation with Member States, to present recommendations for a partnership framework to monitor and ensure the full implementation of pledges and commitments through partnerships for small island developing States. Following a consultation process with Member States undertaken by the Department of Economic and Social Affairs, the General Assembly, at its seventieth session, decided to formally establish the Small Island Developing States Partnership Framework consisting of:

(a) A steering committee, currently chaired by Maldives and Italy;

(b) An annual global multi-stakeholder small island developing States partnership dialogue;

(c) A partnership reporting template to be developed by the Department of Economic and Social Affairs;

(d) National and regional partnership dialogues.

66. In 2016, the Steering Committee held two formal meetings (February and June), the Department of Economic and Social Affairs developed the partnership reporting template and process, and an informal stock-taking partnership dialogue was held during the high-level political forum on sustainable development. The first annual Global Multi-Stakeholder Small Island Developing States Partnership Dialogue will be held in September 2016 in New York, and the Department of Economic and Social Affairs and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, in collaboration with the Steering Committee, will release a small island developing States partnership publication at the Global Partnership Dialogue.

67. Since the formal launch of the partnership reporting template in June 2016, a total of 40 small island developing States partnerships have reported. The Secretariat will continue to follow up and assist focal points in submitting reports, which will be used to inform the Steering Committee of the overall progress of small island developing States partnerships, as well for preparing future editions of the present report, the newly established small island developing States newsletter, *SIDS Times*, and other analytical work.

68. The Partnership Framework, which is led by the Department of Economic and Social Affairs, is complemented by work of the Office of the High Representative specifically targeting the private sector. The Office of the High Representative has developed a small island developing States global business network, an online platform and resource hub to share best practices and lessons learned in the business sector in small island developing States. The platform is expected to forge greater collaboration among regional private sector organizations in small island developing States. In March 2016, the Office of the High Representative, in partnership with the Governments of Aruba and the Netherlands, convened a conference on public-private partnerships for small island developing States, in Aruba, where lessons learned and best practices in developing public-private partnerships were shared (Sustainable Development Goals 1, 2, 8, 14 and 17).

Financing

69. The World Bank reports that overall lending to small island developing States has increased from fiscal year 2009 to fiscal year 2015, with an increase in their International Development Association (IDA) funds and recipient executed trust funds. During those years, IDA lent approximately $1.1 billion to small islands States.

70. The International Bank for Reconstruction and Development (IBRD) lent about $1.4 billion to small island developing States, with Jamaica and Mauritius as the biggest clients. Disbursements were also made to small island developing States through other IDA/IBRD/International Finance Corporation trust funds that were not specifically established for small island developing States, but in which small island developing States are eligible recipients. For the large recipient-executed trust funds, $124 million was disbursed for small island developing States between fiscal year 2009 and fiscal year 2015. The disbursements to small island developing States for all types of trust funds during the same period amounted to $741.9 million.

71. The Small States Forum 2015, held in Lima, included discussions of the financing challenges and emerging issues in small island developing States in the context of sustainable development. The Forum identified the following seven

priority actions for development partners: the inclusion of vulnerability aspects in the criteria to better define the access of small island developing States to appropriate resources, including for climate finance; enhanced access to systematic development financing; a coordinated approach to facilitate debt sustainability; clear and simplified criteria for access to climate finance; capacity-building; a focus on potential growth areas, including through strategies to develop a "blue economy"; and the development of mechanisms that help small States access financial markets in a cost-effective manner (Sustainable Development Goals 1, 8, 14 and 17).

72. The Commonwealth Conference on Financing for Development in Small States, held in Barbados in March 2015, identified three priorities in financing, namely, debt sustainability, climate change financing and capacity-building, all of which were included in the Addis Ababa Action Agenda. In addition, the Commonwealth established a climate finance access hub to strengthen the capacity of small island developing States to access climate finance (Sustainable Development Goals 1, 13 and 17).

73. In 2014 and 2015, the European Union signed bilateral cooperation programmes (national indicative programmes) with the Governments of 34 small island developing States from the Pacific, Caribbean, African and Asian regions for the period 2014-2020, with a total value of approximately €1,327 million. National indicative programmes with two other small island developing States will be signed in 2016, bringing the total amount of the bilateral cooperation with small island developing States to approximately €1,465 million (Sustainable Development Goal 17).

Trade

74. At the fourteenth session of the United Nations Conference on Trade and Development (UNCTAD), in July 2016, UNCTAD was mandated to continue to help small island developing States address their physical and economic vulnerabilities, promote structural economic transformation and build resilience. The Conference also focused on supporting small island developing States in advancing the ocean economy, maritime transport (including port efficiency and connectivity) and e-commerce as a propeller of international trade (Sustainable Development Goals 1, 8, 9, 14 and 17).

75. The Economic and Social Commission for Asia and the Pacific (ESCAP) works with the secretariat of the Pacific Community to explore sustainable transport solutions in the Pacific and with the secretariat of the Pacific Islands Forum to finalize an assessment of broader trade integration for the Marshall Islands, Micronesia (Federated States of) and Palau through the Asia-Pacific Trade Agreement (Sustainable Development Goals 8, 9 and 17).

76. The partnership of ITC with the European Union and the Caribbean Agricultural Research and Development Institute in Belize, Dominica, the Dominican Republic, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago has successfully delivered road maps for coconut sector development. The project on coconut industry development for the Caribbean contributes to improving income and employment opportunities, food security, disaster management and the competitiveness of Caribbean producers (Sustainable Development Goals 3 and 9-11).

Capacity-building

77. Most of the activities outlined in the present report are linked to enhancing the capacity of small island developing States. In addition, Singapore has advanced South-South cooperation dedicated to building the capacities of small island developing States. The technical cooperation package for small island developing States initiated by Singapore involves cooperation between small island developing States that is intended to enhance the capacities of government officials of those States in the area of sustainable development. The partnership offered courses and workshops to over 800 officials of small island developing States in the areas of climate change, disaster risk management, transport, including maritime and air transport, health, waste management and urban planning (Sustainable Development Goals 3, 11, 13, 14, 15 and 17).

78. As another example, the partnership between Singapore, the Hawaii Research Centre for Futures Studies and the UNDP Global Centre for Public Service Excellence in Singapore, has created the "foresightXchange" process. The process, which was piloted in Tonga, allows countries to share knowledge and best experiences (Sustainable Development Goals 4 and 17).

79. At the Seventh Pacific Islands Leaders Meeting, in May 2015, the leaders decided to enhance cooperation in the coming three years with a focus on the following seven areas: (a) disaster risk reduction; (b) climate change; (c) environment; (d) people-to-people exchanges; (e) sustainable development; (f) oceans, maritime issues and fisheries; and (g) trade, investment and tourism. Japan will provide assistance of more than 55 billion yen in three years and will provide assistance for human resource development and people-to-people exchanges to 4,000 people in the Pacific island countries (Sustainable Development Goals 1-4, 8, 9, 11, 13-15 and 17).

Technology

80. ESCAP is strengthening the Pacific Regional Data Repository for Sustainable Energy for All. The platform, hosted by the secretariat of the Pacific Community, is an online, one-stop-shop energy portal and database management system with updated and reliable energy data, which is intended to support Pacific Governments and their development partners working in the energy sector. ESCAP also provides assistance to Pacific small island developing States in examining the viability of and expanding renewable energy sources including biogas (Sustainable Development Goals 7 and 17).

81. The International Telecommunication Union (ITU) has supported small island developing States in enhancing their access to information and communications technology facilities, which has allowed small island developing States to use the Internet to promote investment and tourism, as well as electronic financial management information systems, national health information systems and biometrics during general elections. ITU has also partnered with private mobile companies to deploy satellite mobile phones to small island developing States in case of disaster (Sustainable Development Goals 3, 9, 11 and 17).

Data and statistics

82. Mexico has supported the establishment of the Caribbean Platform of Territorial Information for Disaster Prevention, which provides territorial geospatial information from national and regional sources. The Platform aims to reduce the

vulnerability of the islands of the Caribbean through risk analysis for development of public policies on infrastructure planning, housing and agriculture, among other things. The United Nations initiative on global geospatial information management for the Americas also promotes the development of spatial data infrastructure in the Caribbean region (Sustainable Development Goals 2, 9, 11, 15 and 17).

83. The Commonwealth's vulnerability and resilience framework determines the effects of external shocks on small island developing States and assesses the policies available to counteract shocks. This framework was recently revised and was used to undertake more in-depth resilience profiling exercises. To date, four countries in the Caribbean region (Barbados, Grenada, Jamaica and Saint Lucia) and four in the Pacific region (Papua New Guinea, Samoa, Solomon Islands and Tonga) have been profiled, with planned profiling in African small island developing States in 2016. This work is complemented by the Department of Economic and Social Affairs vulnerability resilience country profile, a country-owned analytical framework for assessment of sustainable development in small island developing States currently being implemented in Barbados, Cabo Verde, Guinea-Bissau, Jamaica, Mauritius, Saint Lucia, Sao Tome and Principe and Seychelles (Sustainable Development Goals 1, 5, 11, 14 and 17).

84. UN-Women is supporting the Regional Statistics Programme of CARICOM with the development and implementation of a set of gender equality indicators relevant to the Caribbean and small island developing States context. In line with the United Nations minimum set of gender equality indicators, and in support of monitoring the Sustainable Development Goals and the Samoa Pathway, phase 2 of the implementation of the indicators includes a proposal to collect and analyse data on unpaid care work (Sustainable Development Goals 5 and 17).

85. The World Tourism Organization is currently working on developing concrete indicators to measure the role of tourism in the economic development of small island developing States, particularly in relation to target 14.7 of the Sustainable Development Goals (Sustainable Development Goals 8 and 14).

Institutional support for small island developing States

86. As noted earlier, the Joint Inspection Unit is currently undertaking a comprehensive review of United Nations system support to small island developing States. Early findings will be issued in an addendum to the present report. Stakeholders have noted that the very fact that the Joint Inspection Unit is undertaking this exercise has encouraged improvements in the level of system support.

87. The Department of Economic and Social Affairs and Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States continue to play central roles in supporting small island developing States, and over the past year they have increased the level of coordination and cooperation. They now alternate chairing the meetings of the Inter-Agency Consultative Group on Small Island Developing States, composed of 128 members[7] from United Nations agencies, regional commissions and entities, and non-governmental organizations. The Department of Economic and Social Affairs has also launched the bi-monthly newsletter *SIDS Times* as a collective effort of the

[7] As at June 2016.

Inter-Agency Consultative Group to inform Member States and the general public of activities related to small island developing States (Sustainable Development Goal 17).

88. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States also convened a meeting in November 2015 on enhancing the coherence of small island developing States issues in United Nations processes following the adoption of the Samoa Pathway and in the context of the 2030 Sustainable Development Agenda. The meeting allowed an initial mapping of the United Nations processes relating to small island developing States and addressed the need to have small island developing States focal points at the national level with direct linkages to the global processes to ensure the coherence of small island developing States issues at the global and national levels (Sustainable Development Goal 17).

89. The World Bank Group has recently established a new small States secretariat. The secretariat is responsible for the annual Small States Forum, which is held during the annual meetings of the World Bank and the International Monetary Fund to discuss the implications of the emerging development architecture for small States (Sustainable Development Goal 17).

90. The United Nations system continues to be active at the country level. In the Africa, Indian Ocean, Mediterranean and South China Sea regions, UNFPA has worked with the Government of the Comoros, for instance, on the United Nations Development Assistance Framework for the period 2015-2019 in tandem with the Government's Strategy for Accelerated Growth and Sustainable Development 2015-2019. In the Caribbean and the Pacific, UNFPA also supported the efforts of Governments, in implementing household and population censuses, to collect data to inform development programmes (Sustainable Development Goals 8 and 17). UNICEF country offices contributed to the development of the next five-year multi-country sustainable development framework. The activities and priorities of the framework are based, in part, on the Samoa Pathway and enable the United Nations to work as a whole in a coordinated manner to address issues of climate change and environmental sustainability (Sustainable Development Goals 8, 13, 15 and 17).

Priorities of the small island developing States for the post-2015 development agenda

91. With the adoption of the 2030 Agenda for Sustainable Development in September 2015, small island developing States have been working to integrate the Samoa Pathway and the Sustainable Development Goals into their national sustainable development strategies and plans.

92. Jamaica has continued to implement Vision 2030 Jamaica, its sustainable development plan. Since the adoption of the Samoa Pathway, Jamaica has approved a medium-term socioeconomic policy framework for 2015-2018. The framework incorporates most of the thematic areas of the Samoa Pathway and is aligned to country strategies and programmes of international development partners (Sustainable Development Goal 17).

93. Samoa conducted a preliminary integrated assessment to create a Sustainable Development Goals profile, which involved a broad consultative process in conjunction with the midterm review of its national development strategy and the

subsequent development of a new strategy (2016-2020). Samoa has integrated the priorities of the Samoa Pathway into the new strategy for 2016-2020, which has the theme "Accelerating sustainable development and creating opportunities for all". Work is already in progress to tailor implementation of the Sustainable Development Goals and targets to the Samoan context and a national task force is in place for that purpose (Sustainable Development Goal 17). As noted above, Samoa was the first small island developing State to undertake a national voluntary review at the high-level political forum on sustainable development.

94. Singapore undertakes regular policy reviews, planning for the long term, yet retaining the flexibility to review plans as needed. A multi-agency team regularly collects data on the 18 indicators identified in the Sustainable Singapore Blueprint 2015 to monitor progress towards 2030 targets for expanding green and blue spaces, increasing transport mobility, improving resource sustainability, enhancing air quality, improving drainage systems and encouraging community stewardship in sustainable development. In addition, Singapore regularly updates the Blueprint, which maps out strategies to meet the country's unique challenges. The 2015 Blueprint charts the next steps towards building "eco-smart" towns, reducing reliance on private car transportation, achieving a zero-waste society, developing a leading green economy and fostering an active and gracious community. This will all contribute to the implementation of the 2030 Agenda (Sustainable Development Goals 1, 3, 8, 11, 12, 15 and 17).

95. The Dominican Republic has created a high-level commission on sustainable development, which aims to promote the formulation of policies, programmes and projects and the coordination of national efforts for the realization of sustainable development in the public and private sectors. The commission is responsible for implementing and creating linkages between international frameworks on sustainable development, including the 2030 Agenda, and the national planning system (Sustainable Development Goal 17).

96. At the regional level, ESCAP has supported national sustainable development strategies through integrated planning, including linking national planning priorities to budgetary processes and fiscal policies. Key initiatives include a partnership with the International Monetary Fund Pacific Financial Technical Assistance Centre to assist members in integrating sustainable development into their fiscal policies, and support for the preparation and review of national sustainable development strategies in the Pacific (Sustainable Development Goal 17).

Monitoring and accountability

97. In the Samoa Pathway, the General Assembly and the Economic and Social Council and their subsidiary bodies are called upon to monitor the implementation of the Samoa Pathway. In addition, in the Samoa Pathway it is recalled that the high-level political forum on sustainable development should devote adequate time to small island developing States. The definition of "adequate time" is open to interpretation. In 2016, the high-level political forum included a dedicated meeting on small island developing States in the first five days of the session and a meeting on countries in special situations, which included small island developing States, in the ministerial segment. In addition, the Permanent Mission of Maldives to the United Nations and the Department of Economic and Social Affairs convened a two-day meeting on "Moving from vision to implementation: realizing sustainable

development in small island developing States" in the margins of the high-level political forum, with part of the meeting open to small island developing States only and part open to Member State and United Nations system partners as well.

98. The high-level political forum at its 2016 session adopted a ministerial declaration on implementation and follow-up of the 2030 Agenda for Sustainable Development, which recognized the Samoa Pathway as an action plan for small island developing States and called for special attention to be granted to small island developing States.

III. Conclusion

99. The small island developing States have a special place in the sustainable development agenda, established in the first Conference in Rio and maintained through the commemoration of Small Island Developing States Day during the sessions of the Commission for Sustainable Development. This legacy should be preserved.

100. In the current implementation landscape, it seems clear that small island developing States will benefit from an integrated and comprehensive approach that mainstreams small island developing States into efforts advancing the 2030 Agenda while maintaining and increasing dedicated attention and resources to small island developing States in the context of implementation of the Samoa Pathway. The 2030 Agenda implementation and follow-up mechanisms at the global level, including the progress report of the Secretary-General on implementation of the Sustainable Development Goals, the *Global Sustainable Development Report*, the Economic and Social Council forum on financing for development, the multi-stakeholder forum on science, technology and innovation for the Sustainable Development Goals, and the high-level political forum, should include elements specific to small island developing States, with links to the Samoa Pathway and the mainstreaming of small island developing States throughout. Relevant regional forums, including those convened by the regional commissions, should follow the same integrated approach of mainstreaming small island developing States throughout programmes, while also highlighting the Samoa Pathway in dedicated sessions and preparatory reports and papers.

101. United Nations system entities should take concrete steps to prioritize Samoa Pathway implementation in their programmes, in the overarching context of the 2030 Agenda.

102. At the national level and in bilateral development assistance, efforts and support for the implementation of the 2030 Agenda should be accompanied by implementation activities linked explicitly to the Samoa Pathway, with complementarity and coherence. The synergies in implementing the 2030 Agenda and the Samoa Pathway will be harnessed by each individual organization, but the ownership and direction of small island developing States should always be the driving force.

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Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Report of the Secretary-General

Addendum

Summary of the initial findings of the comprehensive review of the Joint Inspection Unit of United Nations system support for small island developing States

I. Introduction

1. The present addendum should be read in conjunction with the initial findings presented in the report of the Joint Inspection Unit entitled "Comprehensive review of United Nations system support for small island developing States: initial findings" (JIU/REP/2016/3),[1] issued in March 2016 in response to General Assembly resolution 70/202.

2. The findings in the present addendum constitute a preview of what will be further developed in the forthcoming report to be issued by the end of 2016. The following issues are addressed: (a) the strengthening of system-wide coherence and effectiveness of United Nations system support to small island developing States and the implementation of the Samoa Pathway, within the broader context of global mandates related to sustainable development;[2] (b) the institutional set-up in place

* A/71/150.

[1] Available from https://www.unjiu.org/en/about-us/Documents/JIU_REP_2016_3_13_English.pdf.

[2] The Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015-2030 (General Assembly resolution 69/283), the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Assembly resolution 69/313), the 2030 Agenda for Sustainable Development (Assembly resolution 70/1) and the Paris Agreement (FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex).

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for monitoring and accountability[3] (see General Assembly resolution 69/15, paras. 122-124) for the effective implementation of a transformational strategy for the sustainable development of small island developing States; and (c) institutional and managerial mechanisms to strengthen coordination between the Department of Economic and Social Affairs and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

II. Findings

Finding 1. United Nations system presence and delivering as one: alignment of priorities to national strategic plans and comprehensive coverage of issues related to the Samoa Pathway and the Sustainable Development Goals

3. The perception at the national level is that the United Nations system contributes to national priorities by, among other things, providing technical expertise, which is disseminated at the national level through capacity-building activities, and by providing advice and support to facilitate access to funding opportunities, such as the Global Environment Facility and the Green Climate Fund.

4. The United Nations system organizations have improved coordination and coherence in delivering their work through the "Delivering as one"[4] approach (see A/66/859). Some representatives of Governments and regional forums consider that the United Nations should better align its work to the priorities set by regional leaders, through the Pacific Islands Forum and the Caribbean Community.[5] Resident coordinators of the multi-country offices in the Pacific[6] and the Caribbean[5] have held extensive consultations with regional and national institutions, Governments and other stakeholders from civil society, to ensure synergies and complementarities in defining the United Nations multi-country strategic frameworks for the regions. Some representatives of small island developing States are of the view that the in-situ country coverage of United Nations system organizations should be increased for more effective support in order to avoid leaving behind some small island developing States (such as in the North Pacific).

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[3] The Atlantic, Indian Ocean, Mediterranean and South China Sea region is not included here since its geographical dispersion is greater than the other two regions and it does not have a specific regional policy framework. Furthermore, the inclusion of the Mediterranean in the region is outdated since the are no Mediterranean small island developing States.

[4] The United Nations Pacific Strategy for 2018-2022 responds to General Assembly resolution 67/226, in which the United Nation development system was requested to take measures to improve the United Nations Development Framework in order to reduce the workload of Governments and other stakeholders, and to resolutions 69/318 and 70/1, in which the United Nations system was urged to align its work programmes to support internationally agreed outcomes in the Pacific region and cooperation between regional commissions and organizations was welcomed. The offices of the Resident Coordinators in Fiji and Samoa launched consultations in May 2016, the results of which will be endorsed by the leaders of the 14 Pacific Island countries and territories.

[5] The United Nations multi-country sustainable development framework in the Caribbean covers 18 English- and Dutch-speaking Caribbean countries and overseas territories for the period 2017-2021.

[6] See *Handbook on the Least Developed Country Category: Inclusion, Graduation and Special Support Measures*, second edition (United Nations publication, Sales No. E.15.A.1). Available from http://www.un.org/en/development/desa/policy/cdp/cdp_publications/2015cdphandbook.pdf.

5. The United Nations system should strengthen its "Delivering as one" approach, while ensuring that no small island developing State is left behind. The work programmes of United Nations system entities should be based on priorities identified through national/regional consultations. The comprehensive coverage of all of the Sustainable Development Goals, for which the Samoa Pathway is a blueprint for small island developing States, should be ensured through the inclusion of a role for non-resident agencies and for the multilateral environmental conventions in the regional strategy.

Finding 2. Financing for development: adjusting eligibility criteria

6. For small island developing States, access to financing for development depends heavily on the country's income level. Only nine small island developing States are categorized as least developed countries;[6] the remaining ones have, in most cases, reached a level of per capita income that makes them ineligible for concessional funding for development.[7] The criteria to graduate from least developed country status should take into account vulnerability factors and resilience to a greater extent.[8] Meeting with various stakeholders, including small island developing States and development partners, the Joint Inspection Unit noted the common willingness to facilitate greater access to financing for development for small island developing States, as called for in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and in line with the goals of the 2030 Agenda for Sustainable Development. The findings reveal the importance of Global Environment Facility and Green Climate Fund funding in small island developing States and the critical support and advisory role of some United Nations agencies, as well as development banks, in the preparation of project proposals.

7. The traditional criteria to access concessional funding are inadequate for small island developing States because of their intrinsic vulnerability. Special treatment for small island developing States has been advocated for a long time without much progress.[9] Some bilateral donors would like to have greater flexibility to enable them to develop technical assistance programmes in middle- to high-income small island developing States to address specific development gaps.[10]

8. In a 2015 study prepared for the United Nations Development Programme, the eligibility criteria for financing for development in the Caribbean small island developing States was reviewed. The resulting recommendation, advocated greater

[7] There are exceptions, such as the World Bank small island economy exception, which is in place for small islands with a population of less than 1.5 million that fulfil specific criteria on size, geography and credit-worthiness.

[8] See JIU/REP/2016/3, paras. 88 and 89, on the potential benefits of a "genuine small island developing States status" to foster coherent and targeted support to such States. Available from https://www.unjiu.org/en/about-us/Documents/JIU_REP_2016_3_13_English.pdf.

[9] See the United Nations Conference on Trade and Development and the Indian Ocean Commission "Addressing special vulnerabilities of small island developing States more effectively" (2014).

[10] In paragraph 17 of its resolution 70/215 on development cooperation with middle-income countries, the General Assembly stressed that the concerns and challenges of middle-income countries should be given consideration in the follow-up and review process of the 2030 Agenda for Sustainable Development.

consideration of economic vulnerability as an eligibility criterion, instead of income level.[11]

9. Another area of particular interest for all small island developing States regions relates to insurance schemes.[12] Given the high level of vulnerability of small island developing States, the United Nations system and its partners should promote better access to insurance for small island developing States, as called for in global mandates such as the Sendai Framework (see General Assembly resolution 69/283, annex II, para. 30 (b)) and the Paris Agreement (see FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex, article 8). Joint initiatives are already in place, such as the joint programme of the Indian Ocean Commission, the International Strategy for Disaster Reduction and the World Bank.[13]

10. Along the same lines, the findings and recommendations of the Economic and Social Council Independent Team of Advisors[14] in 2016 stressed the need to address the special needs of vulnerable middle-income countries, keeping in mind that per capita income should not be the only indicator for classifying countries. In defining new eligibility criteria, the positive experience of the World Bank in implementing its exception for small island developing States should be taken into consideration.[15]

11. **The United Nations system, in consultation with the Bretton Woods Institutions and regional development banks, under the guidance of small island developing States and bilateral donors, should formulate a set of clearly defined parameters to amend the eligibility criteria for concessional funding and preferential treatment for small island developing States, taking into account their intrinsic vulnerability.**

Finding 3. Capacity-building: strengthening national absorptive capacity

12. The field visits of the Joint Inspection Unit confirmed the need for capacity-building tailored to the areas of interest of small island developing States. In all three regions of small island developing States, it was reported that there was a lack of absorptive capacity, which hampered the effective delivery and sustainable

[11] See Compton Bourne, "Financing for development challenges in Caribbean SIDS: a case for review of eligibility criteria for access to concessional financing", report prepared for the United Nations Development Programme (Port of Spain, University of the West Indies, 2015), chap. 6. Available from http://www.undp.org/content/dam/rblac/docs/Research%20and%20Publications/Poverty%20Reduction/UNDP_RBLAC_Financing_for_Development_ReportCaribbean.pdf.

[12] See Asian Development Bank, Economic and Social Commission for Asia and the Pacific and United Nations Development Programme, *Making it happen: technology, finance and statistics for sustainable development in Asia and the Pacific: Asia-Pacific Regional MDG Report 2014/15* (Bangkok, 2015).

[13] The ISLANDS Financial Protection Programme is jointly implemented by the Indian Ocean Commission, the International Strategy for Disaster Reduction and the World Bank. It is a regional programme involving five of the member States and island territories of the Indian Ocean Commission, to mitigate the financial consequences of natural disasters and is based on the concept of risk financing and the associated risk transfer mechanism.

[14] Available from https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/files/en/qcpr/ita-findings-and-conclusions-16-jun-2016.pdf.

[15] Under the World Bank exception, small islands with a population of less than 1.5 million, significant vulnerability owing to size and geography and very limited credit-worthiness and financing options have been granted exceptions in maintaining their eligibility.

impact of technical assistance.[16] In planning and delivering their support activities to small island developing States, partners should better coordinate among themselves to fine-tune what and how to deliver. The United Nations system, including its training institutes (such as the United Nations Research Institute for Social Development and the United Nations Institute for Training and Research),[17] together with stakeholders of small island developing States, should identify modalities to deliver capacity-building activities to ensure ownership by national institutions (including civil society and the business sector).

13. **The organizations of the United Nations system, with Member States, development agencies and other relevant development partners, should coordinate their activities to ensure coherence and effectiveness in programme delivery, to avoid saturation of the absorptive capacity of small island developing States and to ensure long-standing impact in mainstreaming knowledge at the national level.**

Finding 4. Institutional set-up to follow-up on the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action), the Mauritius Strategy and the Samoa Pathway within the framework of monitoring and accountability with respect to the Sustainable Development Goals

14. Following the adoption of the 2030 Agenda, the United Nations is rethinking its development system with a view to fostering effectiveness and synergies and allocating resources and responsibilities to the different entities based on their comparative advantages. This should result in greater coherence and coordination (see A/70/883).

15. The Samoa Pathway should be considered a blueprint for implementing the broader mandate set out in the 2030 Agenda. The institutional analysis and related methodology to establish the costing of the system-wide strategy could be developed thoroughly by using the implementation of the Samoa Pathway as a pilot exercise, addressing the small island developing States as a group of vulnerable countries with special needs. The system could benefit from this pilot experience and replicate the methodology on a global scale. The specificities of the small States should be duly accounted for when defining the monitoring and accountability frameworks and related reporting indicators.

16. The monitoring and accountability frameworks entail a complex chain of data collection and aggregation. Intergovernmental processes in the Economic and Social Council and the General Assembly, such as the high-level political forum on sustainable development and the quadrennial comprehensive policy review of operational activities for development of the United Nations system update in 2016, aim at establishing a coherent framework to follow up on the implementation of global programmatic and operational development mandates. In paragraphs 122 to

[16] For information in the area of national capacities in statistics, see the Joint Inspection Unit Report entitled "Evaluation of the contribution of the United Nations development system to strengthening national capacities for statistical analysis and data collection to support the achievement of the Millennium Development Goals and other internationally agreed development goals" (JIU/REP/2016/5). Available from https://www.unjiu.org/en/reports-notes/JIU%20Products/JIU_REP_2016_5_English.pdf.

[17] See http://www.unsceb.org/agencies/united-nations-research-and-training-institutes.

124 of the Samoa Pathway, the General Assembly, the Economic and Social Council and their subsidiary bodies are called upon to monitor the full implementation of the Barbados Programme of Action, the Mauritius Strategy and the Samoa Pathway, including through the monitoring frameworks of the regional commissions. In this regard, the Inspectors commend the existing collaboration at the multi-country office in Trinidad and Tobago, where the inter-agency meetings are alternately chaired by the United Nations Resident Coordinator and the Director of the Subregional Office of the Economic Commission for Latin America and the Caribbean, to ensure synergies and coherence in planning, implementing, monitoring and reporting.

17. In response to resolution 70/202, a steering committee on partnerships for small island developing States,[18] co-chaired by Maldives and Italy, has been established.

18. At the national level, the findings reveal good practices in structural reforms in small island developing States, such as Mauritius and Samoa, where the national development plans have been aligned with the goals of the Samoa Pathway and the Sustainable Development Goals. Those small island developing States have also ensured centralized management of official development assistance and technical assistance, involving consultations with national stakeholders, to ensure the adequacy of resources and effectiveness in channelling the resources according to national priorities.

19. However, small island developing States still face multiple reporting requirements from bilateral and multilateral donors and United Nations system entities. Efforts are under way within the context of the United Nations Development Assistance Framework and the United Nations country teams to harmonize reporting practices.

20. **United Nations system entities should continue to assist in building national capacities with respect to data collection and analysis so as to facilitate national ownership and use of the information to monitor progress on national sustainable development. National monitoring and reporting frameworks on the implementation of the Samoa Pathway should be aligned with the overall accountability frameworks of the 2030 Agenda. A selection of priority indicators relating to the specificities of small island developing States should be agreed upon, in line with national and regional priorities.**

Finding 5. Managerial and institutional set-up of the Department of Economic and Social Affairs and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States in support of small island developing States

21. In its report (JIU/REP/2016/3),[1] the Joint Inspection Unit analysed the coordination between the Department of Economic and Social Affairs and the Office of the High Representative in providing support to small island developing States, and assessed the level of resources allocated for this purpose. In recommendation 2 of the report, the Joint Inspection Unit requests that the General Assembly, based on a transparent and clearly substantiated needs assessment prepared by the Secretariat, consider the needs resulting from the evolving mandates given to the Secretariat's programmes and subprogrammes and ensure the allocation of resources required to

[18] See https://sustainabledevelopment.un.org/topics/sids/events/second-meeting-steering-committe-partnerships.

adequately respond to the mandates in support of the sustainable development agenda of small island developing States.

22. Senior managers in the Department of Economic and Social Affairs and the Office of the High Representative have made efforts to improve their coordination and communication. Previous reports of the Joint Inspection Unit referred to the lack of a common definition of small island developing States within the United Nations. While the differences across the system can, to some extent, be better understood in the context of the very specific mandates of the specialized agencies, funds and programmes,[19] it is critical that the two entities of the Secretariat based in New York harmonize their definitions and lists of small island developing States. In this regard, the Department of Economic and Social Affairs informed the Unit about ongoing consultations with the Office of the High Representative in order to agree on a common definition and list.

23. The Secretariat should agree upon a list of small island developing States based on clear criteria. The list should serve as a basis to further develop a coherent United Nations system approach for targeted and preferential support to small island developing States and to foster more effective accelerated modalities of implementation of the Barbados Programme of Action, the Mauritius Strategy and the Samoa Pathway.

24. The role of the Department of Economic and Social Affairs within the Secretariat as a core element of the United Nations development system entails a large and increasing range of issues. The size and relevance of the Department's Small Island Developing States Unit appears to be inadequate. **The Inspectors encourage due consideration to be given to a possible reallocation of human resources within the Secretariat, grouping under a single organizational structure all of the staff resources dedicated to small island developing States. This exercise should be done in close consultation with the Alliance of Small Island States so as to ensure the identification of the best way to serve the interests of small island developing States'. Lessons learned from the experience of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and its network of least developed country focal points could serve as a model for improving outreach and communications between the Secretariat and the small island developing States.**

Finding 6. Resource allocation

25. The ongoing reform in operational activities of the United Nations system, with the strengthening of the resident coordinator system and the United Nations Development Group, have contributed to greater efficiency in delivering as one. However, the resource constraints in the regular budgets of the organizations and the reduction in voluntary contributions are hampering the development of more effective and accelerated modalities of action for the United Nations to better support to small island developing States. This issue will be further developed in the final report.

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[19] See JIU/REP/2016/3, annex VII. Available from https://www.unjiu.org/en/about-us/Documents/JIU_REP_2016_3_13_English.pdf.

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Seventy-first session
Item 68 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

Report of the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Note by the Secretariat**

The present note is submitted pursuant to General Assembly resolution 70/146, in which the Assembly encouraged contributions to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the Secretary-General to submit to the Human Rights Council, and to the Assembly at its seventy-first session, a report on the operations of the Special Fund.

Pursuant to that request, the attention of the General Assembly is drawn to the note by the Secretary-General, submitted to the Human Rights Council, on the Special Fund (A/HRC/31/22).

* A/71/50.

** The present document was submitted late without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.

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Please recycle

United Nations A/71/269

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2 August 2016

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Seventy-first session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Elimination of all forms of religious intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, submitted in accordance with General Assembly resolution 70/158.

* A/71/150.

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Interim report of the Special Rapporteur on freedom of religion or belief

Summary

In the present report, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, provides an overview of his mandated activities since the submission of his previous report to the General Assembly (A/70/286).

Thematically, the focus of the report is on the broad range of violations of freedom of religion or belief and their manifold root causes, as well as additional variables, including from a gender perspective, which need to be taken into account for an appropriate analysis of the problems. The aim of the report is to sensitize readers to the broad range of violations, many of which do not attract adequate, if any, public attention. Governments are obliged to take effective measures to prevent violations of freedom of religion or belief, including abuses committed by non-State actors. At the outset, the Special Rapporteur defines the scope and contours of the right to freedom of thought, conscience, religion or belief, which must be broadly construed in keeping with the universalistic spirit of human rights.

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I. Introduction

1. The Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, was first appointed by the Human Rights Council on 18 June 2010 (see Council resolution 14/11) for a three-year term starting on 1 August 2010. In 2013, his mandate was renewed for another three-year term by the Council in its resolution 22/20, ending on 31 July 2016. However, on 1 July 2016, the President of the Human Rights Council announced that in order to avoid a protection gap, Mr. Bielefeldt would retain his functions as Special Rapporteur on freedom of religion or belief until the entry into office of his successor, Ahmed Shaheed, who at that time was the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

2. In section II of the present report, the Special Rapporteur provides an overview of his activities since the submission of his previous report to the General Assembly (A/70/286). In section III, he focuses on the broad range of violations of freedom of religion or belief and their manifold root causes, as well as additional variables, including from a gender perspective. In section IV, he sets out his thematic conclusions.

II. Activities of the Special Rapporteur

3. The Special Rapporteur conducted various activities between 1 August 2015 and 31 July 2016, pursuant to Human Rights Council resolutions 6/37, 14/11, 22/20 and 31/16.

4. An overview of the activities of the Special Rapporteur between 1 August and 30 November 2015 is included in his latest report to the Human Rights Council (see A/HRC/31/18, paras. 2 and 3). In February 2016, the Special Rapporteur contributed to the discussion at a conference on the theme "Combating religious intolerance: how to make the best use of the existing framework", which took stock of the implementation of Human Rights Council resolution 16/18.

5. The Special Rapporteur presented his annual report (A/HRC/31/18) to the thirty-first session of the Human Rights Council, in March 2016, where he also participated in side events and held bilateral meetings. Subsequently, he undertook a country visit to Denmark from 13 to 22 March 2016. The next mandate holder will present the report on the mission to the thirty-fourth session of the Human Rights Council, in March 2017.

6. The Special Rapporteur sent communications to Governments through urgent appeals, allegation letters and other letters. The latest communications reports (A/HRC/30/27, A/HRC/31/79 and A/HRC/32/53) include all communications sent between 1 March 2015 and 29 February 2016 and the replies received from Governments before 30 April 2016. He also made public statements and gave various interviews.

7. From 8 to 10 June 2016, the Special Rapporteur, in collaboration with the non-governmental organization Muslims for Progressive Values, hosted the first conference on freedom of religion or belief and sexuality in Geneva, attended by the United Nations Deputy High Commissioner for Human Rights, who moderated the public conversation with civil society. The conference explored in depth the

relationship between the various human rights issues involved in the area of sexuality and freedom of religion or belief, both at the normative level and at the level of personal experience. Religious leaders and representatives, lesbian, gay, bisexual, transgender and intersex activists, academics, legal experts and diplomats at the conference discussed openly how to overcome the misperception of an abstract normative dichotomy and identify possible synergies between commitment on behalf of freedom of religion or belief and rights for lesbian, gay, bisexual, transgender and intersex persons.

8. On 13 and 14 June 2016, the Special Rapporteur delivered a presentation at a high-level seminar on the protection and promotion of human rights in culturally diverse societies, held in Strasbourg, France, by the Council of Europe. On 29 and 30 June, he attended the launch of the annual report on the state of freedom of religion or belief in the world issued by the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance. On 19 July, he addressed the Human Dimension Committee of the Organization for Security and Cooperation in Europe in Vienna and gave a presentation on the theme "The interrelatedness of democracy and human rights: freedom of religion or belief as a test case for Europe".

III. The broad range of violations of freedom of religion or belief, their root causes and variables

9. After six years of sending individual communications, conducting country visits and drafting thematic reports, the Special Rapporteur does not think it would be possible to provide a "global map" of existing violations of freedom of religion or belief. The forms, motives and root causes of violations differ widely and cannot be captured adequately by "cartographic" projects, some of which try to depict degrees of violations in analogy to the height of mountains or the depth of the ocean. The main purpose of the present report is to sensitize readers to the complexity of human rights violations in the area of freedom of religion or belief. While some types of violations attract wide public attention, including within the international community, others are hardly known, even among human rights experts.

10. Sensitization to the complexity of human rights violations in the area of freedom of religion or belief first requires clarification of the normative scope and contours of this human right as it has been enshrined in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and other international human rights instruments. The scope of the right to freedom of religion or belief is often underestimated, with negative implications for its conceptualization and implementation. For instance, some Governments narrowly focus on individualistic and private dimensions of freedom of religion or belief while paying inadequate attention to community-related, institutional and infrastructural aspects of religious life. By contrast, other Governments place all the emphasis on recognizing collective religious identities, thus missing the crucial element of personal freedom even though it figures in the title of freedom of religion or belief. Yet other Governments privilege one particular religion or belief — or one particular type of religion — by promoting it as part of the national heritage, thereby ignoring the principles of equality and non-discrimination that are spelled out in some detail in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or

Belief of 1981 (the 1981 Declaration). Moreover, in situations in which abuses are mainly committed by non-State actors, Governments still bear a responsibility for not being willing — or not being fully able — to provide effective protection for individuals and groups whose rights are being violated.

A. The normative scope of freedom of thought, conscience, religion or belief

1. Inclusive conceptualization as a consequence of universalism

11. Freedom of religion or belief does not — and indeed cannot — protect religions or belief systems themselves, that is, their various truth claims, teachings, rituals or practices. Instead, it empowers human beings — as individuals, as well as in community with others — who profess religions or beliefs and may wish to shape their lives in conformity with their own convictions. The reason for this focus on "believers rather than beliefs" (as it has been summed up succinctly) is not that human rights reflect a certain "anthropocentric world view", as some observers have wrongly inferred. Instead, a main reason is that religions and beliefs are very different, often even irreconcilably so, in their messages and normative requirements. Religions and beliefs reflect an abundance of diverse teachings, doctrines, ideas of salvation, norms of conduct, liturgies, holidays, fasting periods, dietary customs, dress codes and other practices. Moreover, interpretations of what matters religiously may differ widely, not only between but also within religious communities. Hence, the only common denominator identifiable within such vast diversity seems to be the human being, who is the one professing and practising his or her religion or belief, as an individual and/or in community with others. Accordingly, human rights can only do justice to the existing and emerging diversity by empowering human beings, who indeed are the right-holders of freedom of religion or belief. This consistent focus on human beings as right-holders is also fully in line with the human rights-based approach in general.

12. Human rights are universal rights in the sense of being intimately linked to the humanness of the human being and hence of all human beings equally. In the first sentence of article 1 of the Universal Declaration of Human Rights, it is stated that: "All human beings are born free and equal in dignity and rights". Because of its nature as a universal human right, to which all human beings are entitled, freedom of religion or belief must be interpreted broadly. It cannot be confined to particular lists of religious or belief-related "options" predefined by States, within which people are supposed to remain. Instead, the starting point must be the self-definition of all human beings in the vast area of religions and beliefs, which includes identity-shaping existential convictions as well as various practices connected to such convictions. In paragraph 2 of its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, the Human Rights Committee corroborated such an open, inclusive understanding by clarifying that article 18 of the International Covenant on Civil and Political Rights protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief, and that the terms "belief" and "religion" are to be broadly construed. The Human Rights Committee also stressed that article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. One should add that freedom of religion or belief also covers the rights of members of large and small communities,

minorities and minorities within minorities, traditionalists and liberals, converts and reconverts, dissenters and other critical voices and, last but not least, women, who sadly still occupy marginalized positions within many religious traditions.

13. Widely-used abbreviations such as "religious freedom" or "religious liberty" do not fully capture the scope of the human right at issue. Even the term "freedom of religion or belief", which for ease of reference has generally been employed by the Special Rapporteur and his predecessors, remains a shorthand formulation. Hence, it may be useful from time to time to recall the full title of the right, which is "freedom of thought, conscience, religion or belief". Legislation and jurisdiction in many States do not adequately reflect the full scope of this human right by often restricting its application to predefined types of religions while excluding non-traditional beliefs and practices. Limiting the enjoyment of freedom of religion or belief to members of "recognized" religions is also in violation of the spirit and letter of universal human rights.

2. The primacy of freedom and scope of permissible limitations

14. Freedom of religion or belief is a multifaceted right. It empowers human beings in the entire sphere of religious and non-religious convictions, conscience-based positions and religious practices, which may be exercised by individuals alone and/or in community with others. This includes, inter alia, the free development of religious or belief-related identities, bearing witness to one's existential conviction by freely communicating with fellow believers or other persons, the autonomous organization of religious community life, the intergenerational transmission of religions or beliefs, various infrastructural aspects, such as the running of schools or charitable organizations, and other aspects. Moreover, just as individuals are free to remain within their religious tradition, they are also free to reconsider their faith, express personal doubts and adopt a new religion or belief.

15. It is in this spirit of freedom that the right to freedom of religion or belief covers all aspects of religious and belief-related life: not only the "believing", but also the "belonging" and the "behaving", that is, individual and community practices connected with convictions and traditions. Manifestations can take place in private, as well as in public. While individuals have the right to publicly manifest their religious or belief orientation alone or together with others, they also have the right to keep their convictions to themselves. Moreover, no one can be genuinely free to do something unless he or she is also free not to do it, and vice versa. That is why freedom of religion or belief also covers the freedom not to profess a religion or belief, not to attend acts of worship and not to participate in community life.

16. The Special Rapporteur has often heard statements by government representatives that freedom of religion or belief, like any other right, "cannot be absolute" and sometimes must be limited in its application. This is a truism and indeed a dangerous one, since the general invocation of limitations can easily become a pretext for imposing far-reaching or arbitrary restrictions. Many Governments actually refer to broad and unspecified "security", "order" or "morality" interests in order to curb religious criticism, discriminate against minorities, tighten control over independent religious community life or otherwise restrict freedom of religion or belief, often in excessive ways.

17. The Special Rapporteur therefore would like to reiterate that the relationship between a human right to freedom and its limitations must remain a relationship

between rule and exception. No one has to justify the exercise of his or her freedom of religion or belief, which, qua its nature as a universal human right, must be respected as inherent in all human beings. The burden of justification rather falls on those who deem limitations necessary. For limitations to be justifiable, they must meet all of the criteria set out in article 18 (3) of the International Covenant on Civil and Political Rights and other relevant norms of international human rights law. Accordingly, limitations must be prescribed by law and they must be necessary to pursue a legitimate aim: the protection of "public safety, order, health, or morals or the fundamental rights and freedoms of others". In addition, restrictions on manifestations of religion or belief (in the *forum externum*) must remain within the realm of proportionality, which means, inter alia, that they must be the least restrictive among all the adequate measures that could be applied. The internal dimension of freedom of thought, conscience, religion or belief (*forum internum*) even enjoys unconditional protection pursuant to article 18 (2) of the International Covenant on Civil and Political Rights, in which it is stated that: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice".

18. Respect for freedom of religion or belief — or lack of such respect — typically manifests itself in the ways in which Governments deal with grounds for limitations. Unfortunately, the Special Rapporteur has frequently noticed loose and overly broad invocations of grounds for limitations, which often seem to be undertaken without due empirical and normative diligence. He would like to reiterate paragraph 8 of general comment No. 22, in which the Human Rights Committee insists "that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there ... Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner".

3. Equality and non-discrimination

19. Freedom of religion or belief does not only prohibit undue encroachments on the freedom of a person or a group of persons; it also prohibits discrimination — that is, the denial of equality — on the basis of religion or belief. For example, in article 2 of the Universal Declaration of Human Rights it is asserted that: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Article 2 (1) of the International Covenant on Civil and Political Rights extends the same guarantee of non-discrimination to all individuals within the territory of a State party and to those subject to its jurisdiction.[1] Furthermore, it is confirmed in article 2 (1) of the 1981 Declaration that "no one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or belief", thus the component of "belief" is also included. A strong message is sent in article 3 of the 1981 Declaration, in which it is stated that: "Discrimination between

[1] See Human Rights Committee, general comment No. 31 (2004), para. 10, and Heiner Bielefeldt, Nazila Ghanea and Michael Wiener, *Freedom of Religion or Belief: An International Law Commentary* (Oxford, Oxford University Press, 2016), pp. 573-574.

human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations".

20. The international discussion on discrimination has made enormous strides in recent decades. Apart from the ongoing need to tackle direct and open manifestations of discrimination, there is greater sensitivity to concealed forms of discrimination, for example, prima facie "neutral" rules prescribing certain dress codes in public institutions. Although they usually do not openly target a specific community, such rules can amount to discrimination against persons belonging to a religious minority if those persons (often women) feel obliged by their religion to wear specific religious garments. Similar problems may occur with regard to dietary rules, fasting, public holidays, labour regulations, public health norms and other issues. Overcoming the various forms of discrimination in the field of religion or belief, including indirect and structural discrimination, is a complex task that requires moving beyond mere formal equality towards substantive equality, including by adopting measures of reasonable accommodation (see A/69/261, paras. 49-66).

4. State obligations

21. States' obligations towards the implementation of human rights standards can be divided into obligations to respect, to protect and to fulfil. First of all, States have to respect human rights, including freedom of religion or belief. This presupposes a clear understanding that human beings — as individuals and/or in community with others — do not need any permission by the State to be allowed to have, adopt, profess and practise their religion or belief in private or in public. Like other human rights, freedom of religion or belief follows from the due respect for human dignity, which inheres in all human beings equally and thus commands an unconditional respect, prior to, and ultimately independent of, any acts of legislative or administrative approval.

22. The State should, furthermore, protect freedom of religion or belief against abuses by third parties, for instance, against threats stemming from authoritarian milieux, religious vigilante groups or even terrorist groups. Depending on the precise nature of the problem, this requires different initiatives, such as legislative support for religious minorities against discrimination in the workplace, measures to protect people from forced conversion and policies of combating religious vigilantism or terrorism.

23. Lastly, States should provide appropriate infrastructure that allows all persons living under their jurisdiction to actually make full use of their human rights. This aspect of their responsibility has been termed the obligation to fulfil. It includes the availability of suitable remedies, in particular, an independent and efficient judiciary. States should also facilitate the acquisition by religious communities of a collective legal standing, which they may need to undertake important community functions, such as employing professional staff, purchasing real estate to build places of worship or establishing charitable organizations or institutions of religious learning. The obligation to fulfil also covers a broad range of promotional activities, such as education about religious and belief diversity as part of the school curriculum, and the building of societal resilience against religious intolerance.

B. Root causes and motives

24. It is often assumed that violations of freedom of religion or belief mainly originate from religious intolerance, that is, an attitude of narrow-mindedness that does not accommodate any interreligious or intrareligious diversity. While intolerant interpretations of religions or beliefs are in fact one of the most important root causes of numerous violations in this area, one should not ignore the relevance of various societal and political factors, such as interference by control-obsessed authoritarian Governments, the utilization of religions for defining a homogeneous understanding of national identity, loss of trust in public institutions and concomitant processes of societal fragmentation, the prevalence of a "macho culture", economic and social disparities, widening power gaps between different groups within a society and other variables. Again, the observations set out below remain non-exhaustive.

1. Intolerant interpretations of religions or beliefs

25. It cannot be emphasized enough that religious intolerance does not directly originate from religions themselves, but always presupposes the intervention of human beings. The basic insight that there can be no understanding of a text without human interpretation also applies to the sources (written or oral) of various religious or belief-related traditions. Although there may be differences between inclinations towards open-mindedness and tolerance in various traditions, there is scope for interpretation in all of them. Thus, human beings themselves are ultimately responsible for open-minded or narrow-minded interpretations, which actually exist side by side in virtually all religious and philosophical traditions. While some believers may demonize anyone professing a slightly different view, other believers of the same faith group may appreciate broad interreligious and intrareligious diversity as a stimulant necessary for profound theological or philosophical reflection and a precondition for productive exchanges. Some may dream of a religiously homogenous society as their ultimate political aspiration, whereas others would fear such homogeneity to be the end of any authentic belief.

26. Awareness of the relevance of human intervention, including human interpretation of religious sources, may help to overcome widespread "fatalistic" misperceptions. While in one country the followers of various religions or denominations have coexisted amicably since time immemorial and may even intermarry with the full approval of their respective communities, the relationship between the same communities in a neighbouring country may seem hopelessly complicated. Moreover, situations can change over time, be it for the better or the worse. There is a broad variety of amicable or hateful interactions and productive or tense relationships in different countries, which bears witness to the impact that human beings — individuals, communities and societies — actually have in shaping interreligious coexistence positively, including by developing open-minded interpretations of religious doctrines and of religious norms of conduct (see A/HRC/25/58/Add.1). Awareness of that possible impact is the precondition for overcoming fatalistic misunderstandings, which, at the end of the day, would discourage any commitment in this field.

27. In a number of countries, however, intolerant interpretations of a religion are actively supported and encouraged by the Government. As a consequence, Governments may fail to adequately protect religious minorities from hate crimes

by intolerant groups and may even arrogate to themselves the authority to act as guardians of the purity of religious doctrines against so-called "unbelievers", "heretics" and people demonstrating religiously "deviant" behaviour. The general experience has been that, apart from violating, if not totally denying, the universal right to freedom of religion or belief, such "theocratic" regimes, wherever they exist, typically stifle any serious intellectual debate on religious issues and thus often create a climate of bigotry and hypocrisy. Hence, it is no coincidence that the opposition against theocratic regimes always includes critical believers of the very same religion that the Government pretends to protect, since they may feel that such governmental "guardianship" merely leads to superficial conformism, which actually undermines any persuasiveness and attractiveness of their religion.

2. Utilizing religion for demarking national identity

28. Apart from Governments that pretend to protect particular religious truth claims, many Governments promote certain religions in order to define and demark their national or cultural identity. The use of religion in rhetoric on national identity occurs more frequently than governmental aspirations to protect the "purity" of specific truth claims. The singling out of certain religions or beliefs for special protection as part of a national heritage sometimes leads to their formal entrenchment in the Constitution or in other legal statutes. Privileged religions also exist under the auspices of "secular" States. In spite of their claim to be religiously neutral, quite a number of formally secular States nonetheless demarcate their national identity by drawing sharp distinctions between "national" religions worthy of support and "foreign" religions deemed dangerous or destructive to national cohesion.

29. A country's officially or factually protected national heritage can cover more than one religion. Besides the traditionally hegemonic national religion, it may also include certain traditional minorities, which are viewed as constituting parts of the country's "traditional mosaic" (see A/HRC/22/51/Add.1). In such a constellation, the dividing line between accepted and non-accepted communities may chiefly run between traditional and non-traditional religions. While those minorities who have traditionally resided in the country are more or less appreciated, people belonging to so-called "non-traditional" minorities, by contrast, may face suspicion and hostility.

30. In a number of countries, small and non-traditional minorities, often branded as "sects", carry the stigma of operating as "fifth columns" in the interest of "foreign powers" or "foreign donors", thus allegedly eroding the country's national cohesion. Public media campaigns and hostile stereotypes, which at times are even promoted within the official school curriculum, may encourage nationalist groups to commit acts of violence against members of such minorities, not infrequently even with the tacit approval, if not the direct participation, of parts of the State apparatus.

3. Exercising excessive political control

31. Yet other Governments commit violations of freedom of religion or belief for utterly mundane purposes, for example, in the interest of exercising political control over society as a whole. In this context, the "war on terrorism" has proven a convenient pretext for a number of Governments when wishing to impose far-reaching control measures that encroach on freedom of religion or belief and other human rights.

32. It seems fair to say that the more authoritarian a Government is, the more excessive its control obsessions usually are. In particular, one-party systems typically conjure an allegedly seamlessly harmonious relationship between the political party and the people as a whole. Questioning that harmony is taboo, since it might ultimately lead to challenging the party monopoly itself, an outcome that authoritarian Governments try to avoid by placing any communication under strict surveillance.

33. Freedom of religion or belief rightly has been termed a "gateway" to other freedoms, including freedom of expression and freedom of peaceful assembly and association. There can be no free religious community life without respect for those other freedoms, which are closely intertwined with the right to freedom of religion or belief itself. This is exactly what worries authoritarian Governments and often causes them to curb freedom of religion or belief. While mostly not caring much about issues of religious orthodoxy versus heterodoxy, the main interest of many authoritarian Governments is to prevent religious communities from running their own affairs independently for fear that this might in the long run erode the control of the State over society. Control obsessions may go so far as to even place the appointment of religious leaders or the "reincarnation" of certain religious dignitaries under tight administrative control.

34. When visiting authoritarian countries, observers are sometimes deceived by the display of religious pluralism and diversity of beliefs, which on the surface may actually exist. However, the decisive test question for many authoritarian regimes is not whether there is more than one recognized religion or whether religious minorities exist alongside the majoritarian religion or ideology. Instead, relevant test questions are whether religious communities can run their own affairs outside of tightly monitored official channels, whether community members can meet spontaneously and in self-chosen religious centres, whether religious leaders can deliver sermons or address the community without previously being submitted to censorship, whether parents are free to pass on their religious faith and rituals to the younger generation in ways they see fit, and whether the right to conscientious objection to military service is respected.

35. In a number of countries governed by authoritarian regimes, the dividing line between what is permissible and what is prohibited does not run between "orthodox" and "heterodox", "traditional" and "non-traditional" or "national" and "foreign" religions. Rather, it runs between those communities cooperating with State agencies by remaining within predefined and closely monitored channels, on the one hand, and those wishing to keep their community life free from excessive Government control and infiltration, on the other (see A/HRC/28/66/Add.2). Government interference may even sow seeds of mistrust between and within communities and poison the relationship between followers of "loyal" communities and "independent" religious groups, thus creating a climate of suspicion, in a vicious cycle that gives law enforcement agencies an additional pretext for applying far-reaching control measures.

4. Failing and failed States

36. Massive violations of freedom of religion or belief are currently taking place, in particular, in countries characterized by systemic political mismanagement, such as endemic corruption, cronyism and ethnocentrism. The resulting disenchantment

with public institutions in large parts of the population may set in motion a vicious cycle of escalating societal fragmentation, in the course of which government institutions, including the judiciary, may increasingly lose their authority, a process that can ultimately result in a failed State.

37. When public institutions fall apart, societal groups typically fill the vacuum, including mafia organizations, self-appointed vigilante groups and even terrorist organizations, some of which commit violence in the name of religion (see A/HRC/28/66). In such situations, religious or confessional identity — often in combination with ethnic identity — may become a factor in defining militarized groupings. Frequently, people cannot avoid being ascribed to one of the religious groups in confrontation, even if they would wish to keep out of such dangerous dynamics.

38. In a climate of general mistrust caused by the absence of trustworthy public institutions, militant interpretations of religious messages find fertile ground. The failures of public institutions, which in extreme situations may even cease to exist, thus typically breed narrow-minded attitudes, with possible spillover effects on predominant interpretations of religions, which therefore may become more and more militant. This pattern illustrates once more that intolerant interpretations do not directly originate from certain religions in themselves, but usually result from a broad set of political, social, economic and historical root causes and factors, all of which need to be analysed.

5. Social power imbalances and other variables

39. When undertaking country visits, the Special Rapporteur has become aware that land-grabbing may be an important factor accounting for violations of freedom of religion or belief in some regions. Indigenous peoples are particularly vulnerable in this regard. They often cannot present ownership titles (in the modern understanding) to land that they may have used and cultivated since time immemorial. This has led to bitter and often violent disputes. Freedom of religion or belief issues enter the picture, for example, if land disputes affect the real estate on which religious institutions, such as churches, temples, mosques, pagodas or graveyards, have been erected. In addition, some indigenous peoples may entertain an understanding of "holy sites" that goes beyond any spatially demarcated areas and may include broader parts of the physical environment (see A/HRC/31/18/Add.2).

40. Land-grabbing is merely one example illustrating the relevance of economic and social variables that need to be taken into account for an appropriate understanding of violations of freedom of religion or belief and their root causes. In that context, one also should always pay attention to power imbalances, which typically render parts of the population vulnerable to pressure, exploitation and discrimination. Moreover, gender is a crucial factor that must never be neglected in any analysis of violations of freedom of religion or belief. The generally subordinated role of women in many societies is often also reflected in obstacles to their full enjoyment of freedom of religion or belief. In a few countries, questions of religious minority status are deeply interwoven with the caste society, which creates situations of increased vulnerability, including for converts from lower-caste backgrounds (see A/HRC/10/8/Add.3).

41. Quite a number of societies still grapple with complicated historical legacies, such as the consequences of colonial rule or dictatorship. Colonizing powers, as

well as home-grown dictators, have frequently applied the "divide and rule" principle by pitting certain groups against one another. Again, this may have far-reaching repercussions on relationships among religious communities and the general atmosphere in a country. Incitement to hatred may revive old stereotypes against certain religious minorities by adding aggressive conspiracy theories, some of which portray small or even tiny groups as allegedly posing a danger to morals, societal cohesion, the economy or development.

C. Patterns of State-induced violations

42. Many violations of freedom of religion or belief directly originate from State agents and may include killings, enforced and involuntary disappearances, large-scale arbitrary detention and other atrocities targeting religious minorities or dissidents. State agencies have also been involved in the destruction of places of worship or the vandalization of graveyards. Within the constraints of the present report, it is impossible to describe all such incidents. Instead, the non-exhaustive typology set out below is aimed at identifying widespread general patterns of systematic violations committed by State agencies.

1. Criminal law sanctions

43. The most frequently discussed form of State-induced violations of freedom of religion or belief are criminal sanctions against dissidents, critics, converts, non-believers or persons belonging to religious minorities. A number of States still have anti-apostasy provisions in their criminal laws, or have newly introduced such laws. This is in obvious breach of the freedom of religion or belief, which unequivocally corroborates people's freedom to "change" their religion or belief (see article 18 of the Universal Declaration of Human Rights) or any person's freedom to "have or to adopt a religion or belief of his choice" (see article 18 of the International Covenant on Civil and Political Rights). The prohibition of coercive interference in the inner realm of a person's conviction even enjoys the status of an absolute norm, comparable to the equally absolute prohibitions of torture and slavery (see A/67/303).

44. While the number of States that formally prohibit apostasy through criminal sanctions is limited, the picture changes once anti-proselytism laws or other laws that ban missionary activities are included. Unlike prohibitions of apostasy, which currently seem to exist only in certain Muslim-majority countries, anti-proselytism laws have been enacted under the auspices of different religions, such as Buddhism, Christianity, Hinduism and Islam. The effects of these laws can come close to those of apostasy prohibitions. While directly targeting persons who "induce" others to change their religion or belief, these laws — often intentionally — also cast a shadow on the converts themselves by portraying the act of conversion as a result of mere external manipulation. Anti-apostasy and anti-proselytism laws also have in common a tendency to prohibit changes away from hegemonic religions, which typically receive privileged treatment. Double standards not only are a problem when applying the respective laws in practice; they frequently define the very essence of those laws.

45. Still broader is the scope of anti-blasphemy laws. What constitutes an offence of "blasphemy" frequently remains merely vaguely circumscribed, thus giving

Governments carte blanche to apply such laws in an arbitrary and discriminatory manner. Not only verbal or other statements, but also certain acts of conduct, such as eating in public during the fasting season, may be deemed as "blasphemous" in some countries. In countries that do not have anti-apostasy or anti-proselytism laws, the criminalization of broad blasphemy offences can serve as a proxy that basically fulfils the same function. Numerous reports have given clear evidence that members of religious minorities typically suffer disproportionately from such laws, which also target converts, dissidents, non-believers, critics within the majority religion and individuals engaging in unwelcome missionary activities.

46. While anti-apostasy, anti-proselytism and anti-blasphemy laws more or less openly carry "religion" in their titles, other criminal laws do not directly display an intention to curb religious dissidence or criticism and yet may have such consequences in practice, for example, overly broad anti-hatred laws (see A/HRC/13/40/Add.2, paras. 46-48). While article 20 (2) of the International Covenant on Civil and Political Rights obliges States to prohibit "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence",[2] anti-hatred provisions often lump together a wide range of different "offences", thereby opening the floodgates for arbitrary applications. Penal law provisions sometimes even criminalize religious superiority claims, thus hypothetically threatening sanctions against all individuals or groups who publicly bear witness to their convictions. Countless examples have proven that such vague provisions are used mostly to intimidate unwelcome minorities, converts, atheists, agnostics or dissidents, including critics belonging to the country's majority religion. Further examples of prima facie "neutral" criminal law provisions are laws that, by criminalizing alleged acts of eroding national security, may threaten punishments against conscientious objectors to military service.

2. Bureaucratic harassment and burdensome administrative stipulations

47. Arguably the most widespread pattern of State-induced violations of freedom of religion or belief relates to harassment by an uncooperative bureaucracy that may treat people belonging to certain religious communities with contempt, hostility or suspicion. It is all the more important to draw public attention to this form of violation of religion or belief.

48. When wishing to build places of worship or religious schools or to repair existing religious buildings, minority communities often have to apply for special permissions, which may take decades to obtain. If the believers start to build or repair places of worship before receiving official permission, they may encounter hefty sanctions or even be forced to tear down a newly erected building. The Special Rapporteur heard reports that it seemed easier for some communities to build a chicken farm and subsequently convert it into a place of worship than to apply to establish the place of worship.

49. Some Governments request religious communities to register with the Administration before being allowed to exercise their group-related freedom of religion or belief. Registration status may be connected to a number of practical advantages, such as tax benefits or regular participation in municipal consultations.

[2] For useful guidance in this regard, see the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix).

While registration thus can have beneficial effects for those communities wishing to obtain such a status, it is highly problematic if the Government renders registration compulsory by turning it into a sine qua non of any communitarian enjoyment of freedom of religion or belief (see A/HRC/28/66/Add.1). It cannot be reiterated enough that freedom of religion or belief, qua its nature as a universal human right, inheres in all human beings prior to any process of administrative approval. It thus must be possible for individuals and groups of individuals to also practise their religion or belief independently from any official status, if they prefer not to obtain any such status or if their application for registration has been unsuccessful. The situation can become even more complicated if Governments require the periodic renewal of registration, which thus may become a never-ending bureaucratic exercise for certain communities. The more detailed information the Administration demands in such procedures, the easier it will be to find "shortcomings" in the application that the Administration may use as a pretext to impose sanctions, thereby creating a climate of intimidation for any unwelcome religious activities.

50. For many (not all) religious communities, it is important to obtain the appropriate legal personality status to exercise certain community functions, such as purchasing real estate, which they may need to establish a lasting religious infrastructure, employing teaching professionals or other staff and running their own schools or media or charitable organizations (see A/HRC/22/51). The denial of appropriate legal personality status or unreasonable stipulations connected with such a status may thus amount to a violation of freedom of religion or belief.

3. Discriminatory structures in family laws

51. In many countries, family laws reflect traditional religious hegemonies. Before discussing the negative repercussions that this may have for freedom of religion or belief, the Special Rapporteur would like to clarify that religious family laws differ conceptually from religious family values, rites and customs. Law in the narrow sense of the word carries with it the element of enforcement by the State. State-enforced laws based on a particular religion or denomination can lead to problematic situations, for example, if an interreligious marriage cannot be contracted or if such a marriage breaks down and the spouse who had converted to the religion of her or his partner wishes to return to the religion he or she professed previously. Such a return is usually difficult in itself, and it can be made even more complicated by legal insecurity, which a change of religion may incur with regard to important issues, such as inheritance, maintenance or custody of children. Moreover, apart from causing concerns under freedom of religion or belief, denominational family laws frequently reflect and reinforce inequalities between men and women concerning marriage, child-rearing, custody, maintenance, inheritance and other areas of family life (see A/HRC/25/58/Add.2).

52. From the specific viewpoint of freedom of religion or belief, State-enforced denominational family laws give rise to a number of serious concerns. Even though the structure may be pluralistic to a certain degree, the system typically does not easily, if at all, accommodate certain constellations of interreligious partnerships. On the basis of the widespread assumption that children have to follow the religious orientation of the father, denominational family laws may allow some interreligious marriages, provided that the husband is of the predominant religion, while often ruling out any marriage between a woman from the traditionally hegemonic religion and a man professing another religion or belief. Thus, complicated cases of multiple

and intersectional discriminations — in other words, in the intersection of religious minority status and gender — may arise (see A/HRC/31/18/Add.1). Moreover, converts, agnostics, atheists and others may face even greater difficulties to fit into the limited options provided by State-enforced religious family laws. Although reforms with the purpose of accommodating the existing and emerging pluralism in a non-discriminatory way should be a priority, many Governments seem to be reluctant to tackle these issues.

4. Violations in the context of school education

53. The school is an institution designed to fulfil human rights, in particular, the right to education, as enshrined in article 13 of the International Covenant on Economic, Social and Cultural Rights, article 28 of the Convention on the Rights of the Child and similar provisions. In order to ensure this right for every child, States have the obligation to render elementary school education mandatory. However, school is also an environment in which serious human rights problems may arise. In public schools, children regularly experience the authority of teachers, who, as public officials, may also represent the authority of the State. Furthermore, children may suffer peer pressure and bullying, a problem that disproportionately affects children from minorities.

54. Parents belonging to religious minorities, or parents who have converted away from the predominant religion, sometimes fear that school education may be utilized to alienate their children from them. The Special Rapporteur heard reports about the disrespectful treatment of children during religious fasting seasons, when children were exposed to expectations clearly articulated by their teachers that they should eat the food served in school, thereby breaking the fasting rules of their religion.

55. Whenever religious ceremonies, such as public prayers or acts of collective worship, are performed in school, and in particular during regular school hours, safeguards are needed to ensure that no child feels compelled to participate in such ceremonies against his or her free will or the will of his or her parents. The same caveat applies to religious instruction in schools (see A/HRC/16/53). In paragraph 6 of its general comment No. 22, the Human Rights Committee noted that public education that includes instruction in a particular religion or belief is inconsistent with article 18 (4) of the International Covenant on Civil and Political Rights unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians. In practice, however, such provisions, if they exist at all, are often ignored, possibly as a result of ignorance or lack of systematic monitoring or even in a deliberate attempt to convert children belonging to religious minorities to the hegemonic religion of the country.

56. In view of the compulsory status of school education, attempts at converting children in the school context may amount to serious violations of the absolutely protected *forum internum* dimension of freedom of religion or belief. At the same time, such attempts may violate the rights of parents to ensure a religious and moral upbringing of their child — who has not yet reached religious maturity — in conformity with their own convictions, as enshrined in article 18 (4) of the International Covenant on Civil and Political Rights and article 14 (2) of the Convention on the Rights of the Child (see A/70/286).

57. Whereas religious instruction — in the understanding of familiarizing students with their own or their parents' faith — requires safeguards to avoid any involuntary

exposure of students to such teachings, general information about religions may well become part of the compulsory school curriculum, "if it is given in a neutral and objective way", as the Human Rights Committee cautions in paragraph 6 of its general comment No. 22. However, the objectivity of textbooks and other learning materials is often questionable, for example, when textbooks assume a peculiar warning tone towards "non-traditional" minorities or "sects", thus stigmatizing certain communities. Many textbooks used in school reflect existing religious hegemonies while totally ignoring the perspectives of minorities. For students and parents exposed to such stigmatization, possibly even on a daily basis, school education can be a traumatizing experience. Other school textbooks may favour a narrowly secularist world view by either completely excluding religious themes or by containing solely critical and negative comments on religion, which, together with corresponding teaching practice, may put religious students under pressure.

5. State-induced discrimination and stigmatization

58. The patterns described above — restrictive criminal law provisions, harassment and intimidation by an unsympathetic bureaucracy, discriminatory structures in family laws and disrespectful treatment of children in schools — often overlap, thus creating a climate in which members of religious minorities, followers of non-traditional religious movements, individual dissidents, critics, converts, agnostics, atheists and others may suffer systematic discrimination, marginalization and exclusion. Hateful statements by government officials or media campaigns may further exacerbate their situation. However, members of the majority religion may also suffer from a climate in which religious and belief-related issues can scarcely be discussed in a relaxed and open manner.

59. As elaborated in section III.B above, the motives behind State-induced violations of freedom of religion or belief can be manifold, may differ from country to country and can also change in the course of a country's development. Any comprehensive analysis requires the consideration of all relevant factors, including economic and social factors, that may lead to multiple and intersectional forms of discrimination, such as discrimination in the intersection of religious minority status, gender, caste, economic impoverishment and other factors.

D. Violations by non-State actors and societal restrictions

60. Many of the most brutal abuses of freedom of religion or belief are currently perpetrated by non-State actors, such as terrorist groups or militant vigilante groups. The fact that there is no general definition of non-State actors, nor a consensus on their human rights obligations (see A/HRC/28/66, paras. 54-59), renders any attempt at providing a typological overview rather complicated. While it may be that non-State actors are those carrying out acts of violence, States are sometimes directly or indirectly supporting these actors for the different motives explained above. The main purpose of the present section is to remind Governments of the responsibility that they bear also when combating violations of freedom of religion or belief committed by non-State actors.

1. Terrorism, extremism, vigilantism and social ostracism

61. Some terrorist groups that pretend to operate in the name of religion try to wipe out any traces of religious diversity, not only in the present and for the future, but even traces of the past (see A/56/253, paras. 25-30). Atrocities committed by such groups include mass killings, extremely cruel forms of execution, mutilations, forcible deportations, ethnic cleansing, blackmailing, confiscation of property, kidnapping of women and children and their sale into slavery, the destruction of religious buildings, some of which had been recognized internationally as historical monuments, and other acts of brutality.

62. The information presented in section III.B above on the complex root causes of violations of freedom of religion or belief likewise applies to the atrocities committed by terrorist groups. Lack of good governance — for example, the breakdown of trustworthy public institutions, endemic corruption and cronyism, the absence of any rule of law, far-reaching societal fragmentation and concomitant polarization, and widespread feelings of despair within the population — creates the fertile ground on which militant groupings can operate successfully. At the same time, one should not ignore the additional impact of intolerant and narrow-minded religious interpretations, which, through modern information and communications technologies, reach out to a global audience. Terrorist groups have also received ideological, logistical and financial support from a number of Governments, without which they would be less successful. While stigmatizing members of religious minorities as "unbelievers" or "heretics", terrorist groups frequently also attack people of the same religion to which they themselves belong, thereby creating a climate of fear in which no one can enjoy their freedom of religion or belief.

63. In a number of countries, self-appointed militant vigilante groups patrol their neighbourhoods to ensure that everyone behaves in ways deemed religiously appropriate, including by threatening violence (see E/CN.4/2006/5/Add.3). Women and girls typically run an increased risk of being sanctioned, for instance, when failing to conform to certain imposed dress codes or other norms of behaviour. Even if not being mandated by the Government, militant vigilante groups nonetheless may receive direct or indirect support from certain government agencies, which systematically turn a blind eye to abuses committed by such groups.

64. Furthermore, grave abuses of freedom of religion or belief can occur within homogeneous societal milieux that do not accommodate any interreligious or intrareligious diversity. Individuals not fitting into traditional patterns of "acceptable" belief and conduct may incur a variety of sanctions, such as social ostracism, systematic mobbing or even physical violence. Women and girls or persons with different sexual orientations and gender identities bear an increased risk of abuses when wishing to free themselves from narrow understandings of what is deemed "appropriate conduct", often on the basis of excessively restrictive interpretations of religious norms. This is another area in which freedom of religion or belief frequently intersects with issues of gender-based violence or discrimination (see A/68/290). Apart from failing to provide appropriate legal and political protection, Governments may even support such repressive practices, for instance, through laws that treat violent crimes committed in the name of "honour" in a particularly lenient manner or by sending messages that blame the victim of an attack for having infringed moral norms in the first place.

65. Policies intended to prevent and counter violent extremism must be based on a clear understanding of the numerous root causes, which often mutually reinforce each other. As the United Nations Deputy High Commissioner for Human Rights, Kathryn Gilmore, pointed out at a panel discussion on the human rights dimensions of preventing and countering violent extremism, held in Geneva on 17 March 2016, "violent extremism is the child of many parents — discrimination or injustice — whether actual or perceived; political disenfranchisement; a sense among young people of powerlessness, or denial of identity; of hopelessness". When calling for positive action, the Deputy High Commissioner placed particular emphasis on the need to support human rights defenders and civil society, as well as "the immediate deterrence of reprisals against those who speak out".

2. Government responsibility

66. When abuses are not perpetrated by State agencies, the Government remains accountable for any violation of freedom of religion or belief occurring within its jurisdiction. This is even more obviously the case when government agencies are directly or indirectly complicit in such violations, for example, by apparently condoning acts of violence or by creating an atmosphere of impunity that gives militant groups a free rein. Public condemnations by government officials of abuses committed within society are sometimes absent or may sound merely lukewarm. Moreover, the Government may send ambiguous signals to law enforcement agencies, which, accordingly, do not know whether they are actually expected to provide protection to individuals or groups who are looked down upon by "mainstream" society (see A/HRC/31/18/Add.2).

67. During some country visits, the Special Rapporteur repeatedly sensed a lack of awareness that the right to freedom of religion or belief requires protective and promotional government activities to ensure its systematic implementation in all parts of society. For instance, discrimination on the grounds of religion or belief occurring in the labour market or the housing market is sometimes still treated as a merely "private" issue that the Government allegedly could ignore. However, such lack of commitment is at variance with the 1981 Declaration, in article 4 (1) of which it is unambiguously clarified that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life." This also covers acts of intolerance and discrimination in the workplace, including in business sectors. Governments that lack an efficient and comprehensive anti-discrimination policy thus fail to honour their human rights obligations.

E. Responsibility of the international community

68. One of the most significant progressive developments in international human rights politics is the increased awareness that violations of human rights, including freedom of religion or belief, do not fall within the "internal affairs" of States. Although Governments are still the main duty bearers concerning the implementation of human rights within their jurisdiction, their responsibility is not an exclusive one. By ratifying international treaties, Governments formally corroborate the understanding that respect for and protection and promotion of human rights is both a national duty and a matter of international concern. In

addition, there is broad consensus that human rights also constitute an indispensable part of international customary law.

69. Besides States, the international community also comprises other actors, in particular, civil society organizations, without whose contributions international monitoring would not even be conceivable. Moreover, situations can arise in which the international community has to take direct action to stop massive violations of freedom of religion or belief and other human rights abuses, for instance, by ensuring that terrorist organizations operating in the name of religion do not receive financial, logistical or other support or by holding to account political leaders who have committed widespread and systematic human rights violations.

70. Throughout the past few years, the Special Rapporteur has sensed an increasing interest in issues concerning his mandate. At the same time, he feels that the broad range of violations of freedom of religion or belief fails to receive attention. For example, administrative harassment and unreasonable bureaucratic stipulations hardly ever make it into the headlines. The scarcity of empirical findings may follow from difficulties in research and reporting, but may also reflect a lack of awareness that certain issues have a human rights dimension in the first place. The latter problem may be the result of an inadequate understanding of the normative range and full scope of freedom of religion or belief, which is a broadly applicable right to freedom to which every human being is entitled.

71. One issue on which the international community has obviously failed concerns the rights of refugees and internally displaced persons. Violations of freedom of religion or belief are among the manifold reasons for people to leave their home and flee their country, in particular where violent conflict has assumed a religious or sectarian dimension. However, when applying for asylum because of violations of their freedom of religion or belief, refugees have sometimes experienced that their claims are not taken seriously. Some of them have been given bizarre recommendations, such as to avoid public exposure and to keep their faith to themselves. Converts may face suspicion of having fabricated their conversion for the strategic purpose of gaining refugee status. In addition, many violations of freedom of religion or belief are inextricably interwoven with other social or political variables, for example, excessive control interests of authoritarian Governments. Given the complexity of such issues, some observers may dramatically underestimate the gravity of violations experienced by people on the basis of their religion or belief. This may have an impact on the treatment of refugees, whose experiences in this area fail to receive appropriate attention and recognition.

72. It is depressing to see that in the current refugee crisis, many States fail to honour the responsibility they have in accommodating refugees, including those who are fleeing massive violations of their freedom of religion or belief. Some Governments have opened their borders and demonstrated solidarity, often in conjunction with admirable commitment shown by civil society organizations and countless volunteers. By contrast, other States have been reluctant to even host a handful of refugees. Yet other Governments have indicated that they would be merely willing to accommodate refugees from religious backgrounds close to their own predominant religious traditions. However, this would amount to a (re)territorialization of religion and thus would clearly be at variance with the freedom of religion or belief, which protects human beings in their diverse convictions and practices instead of fostering religiously homogeneous territories.

The Special Rapporteur can merely appeal to reluctant Governments to reconsider their position and honour their obligations under international law, including by respecting, protecting and fulfilling everyone's right to freedom of religion or belief.

IV. Conclusions

73. The full scope of freedom of thought, conscience, religion or belief is often underestimated, with the result being an inadequate awareness of the broad range of violations that take place in this area. Given its nature as a universal human right, freedom of religion or belief cannot be limited to any list of legitimate religious "options" predefined by Governments. Instead, it recognizes human beings broadly as subjects of profound identity-shaping convictions and conviction-based practices, thus always taking the self-definition of all human beings as the starting point. Freedom of religion or belief is a multifaceted right, covering individual, relational, institutional and infrastructural dimensions of freedom, that people should be able to exercise as individuals and/or in community with others, in private as well as in public. In keeping with the human rights-based approach in general, freedom of religion or belief furthermore requires non-discriminatory implementation, which implies positive efforts towards overcoming all forms of discrimination — direct, indirect and structural discrimination, by both public and private actors — by taking appropriate measures.

74. For a comprehensive analysis of existing and emerging problems, all root causes, motives and factors underlying violations of freedom of religion or belief must be taken seriously. This includes intolerant and narrow-minded interpretations of religions — in other words, theological issues — as well as political, social and economic factors. While Governments that see themselves as guardians of certain religious truth claims impose restrictive measures against "unbelievers" and "heretics", other Governments utilize particular religions in order to demarcate their national identities, thus creating dividing lines between "national" and "foreign" religions or between "traditional" and "non-traditional" religions. Yet other Governments violate freedom of religion or belief by exercising excessive political control over religious community life in order to defend authoritarian political structures or party monopolies against possible challenges that may arise from people meeting freely and communicating outside of tightly monitored official channels. Moreover, loss of trust in public institutions may set in motion a process of increasing institutional fragmentation, thus possibly creating a political vacuum, which terrorist or vigilante organizations operating in the name of religion may try to fill.

75. Furthermore, societal power imbalances may lead to situations of increased vulnerability for certain individuals or communities, including persons from lower-caste backgrounds, individuals belonging to religious minority communities or indigenous peoples, whose freedom of religion or belief thus may be at stake, often in conjunction with violations of other human rights. Any analysis of the root causes underlying violations of freedom of religion or belief should also address gender issues. Countless women and girls suffer from human rights violations in the intersection of freedom of religion or belief and gender issues, for example in the context of State-enforced denominational family laws.

76. Violations of freedom of religion or belief can originate from States or non-State actors, or a combination of both. While some State-induced infringements, such as the criminalization of "apostasy", "proselytism" or "blasphemy", openly display the intention of controlling religion, other measures do not show any relationship to religion or belief on the surface and yet have a negative impact on freedom of religion or belief. Encroachments may also include bureaucratic stipulations that impose unreasonable burdens on certain religious communities, for instance by requesting them to undergo complicated administrative procedures in order to be allowed to exercise any community-related aspects of freedom of religion or belief. State-enforced family laws may discriminate against persons on the basis of their religion or belief, thus effectively preventing certain individuals from changing their religion for fear that it could result in a loss of inheritance rights or the denial of custody of their own children. School education is another area warranting systematic monitoring, since it may expose children from religious minorities, for example, to a non-accommodating national curriculum, to the authority of teachers or to pressure exercised by fellow students.

77. Governments are also obliged to prevent abuses of freedom of religion or belief committed by non-State actors, including terrorist groups or vigilante groups, or originating from authoritarian societal milieux that do not accommodate any religious diversity. In quite a number of countries, a prevailing atmosphere of impunity encourages militant groups to continue to stigmatize, harass and intimidate minorities, dissidents, critics, converts or people — often women and girls or persons with different sexual orientations and gender identities — whose conduct is deemed "inappropriate" from a certain narrow-minded interpretation of religious norms. Such abuses can even assume degrees of physical violence, sometimes perpetrated with the silent complicity of law enforcement agencies or other parts of the State apparatus. Even Governments that are not complicit in such acts may lack the awareness that they bear the full responsibility for any violation of freedom of religion or belief if they fail to take appropriate measures to protect persons under their jurisdiction from abuses by non-State actors, whether they are armed groups, business corporations or individuals.

78. While States remain the main duty bearers for the implementation of human rights obligations within their jurisdiction, the international community, too, has to live up to its obligations. Apart from regularly monitoring the worldwide human rights situation within United Nations forums, which would be impossible without the contributions of civil society organizations, there are situations in which the international community has to take direct action, for example, to ensure that terrorist organizations operating in the name of religion do not receive financial or logistical support. Unfortunately, serious shortcomings have been seen recently in the provision of international protection for refugees and in the prevention of massive violations of freedom of religion or belief, in particular in situations of armed conflict. The international community should remind Governments of their international obligation to provide protection to refugees, regardless of their specific religion or belief. The pretext that hosting certain refugees would erode the traditional religious make-up of a country amounts to a "territorialization" of religion or belief, which violates the spirit and the letter of the universal right to freedom of religion or belief.

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Promotion and protection of human rights

Implementation of human rights instruments

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Chairs of the human rights treaty bodies on their twenty-eighth meeting, held in New York from 30 May to 3 June 2016, pursuant to Assembly resolution 57/202.

* A/71/150.

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Report of the Chairs of the human rights treaty bodies on their twenty-eighth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings, convened annually pursuant to Assembly resolution 49/178. The present document contains the report of the twenty-eighth meeting of the Chairs of the treaty bodies, which was held from 30 May to 3 June 2016. The meeting convened in New York in the light of the call of the Assembly in its resolution 68/268 for strengthened interaction with States and in view of the presentation by the Secretary-General of the first biennial report on the implementation of that resolution to the seventy-first session of the Assembly (A/71/118). In addition to considering treaty body working methods, the Chairs discussed enhanced cooperation with the President of the Inter-American Commission on Human Rights and the Chair of the Global Alliance of National Human Rights Institutions. They also held consultations with States, civil society organizations and United Nations entities. The decisions and recommendations of the Chairs are contained in section XII of the present report.

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I. Introduction

1. The twenty-eighth meeting of the Chairs of the human rights treaty bodies was held in New York from 30 May to 3 June 2016. The meeting of Chairs is a forum for the Chairs of treaty bodies to maintain communication and dialogue with each other on common issues and problems, first called for by the General Assembly in 1983 in its resolution 38/117. The Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings. In its resolution 68/268, paragraph 38, the Assembly further encouraged the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

2. The Chairs' meetings, convened annually pursuant to General Assembly resolution 49/178, are generally held on a rotating basis in Geneva, New York and the regions. The meeting for 2016 was held in New York upon recommendation by the Chairs in view of the presentation by the Secretary-General of the first biennial report on the implementation of resolution 68/268 to the seventy-first session of the Assembly, entitled "Status of the human rights treaty body system" (A/71/118).

3. The following documents served as background to the meeting:

(a) Provisional agenda and annotations (HRI/MC/2016/1);

(b) Note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies (HRI/MC/2016/2);

(c) Informal background paper by the Office of the United Nations High Commissioner on Human Rights (OHCHR) on the engagement of national human rights institutions with the United Nations human rights treaty bodies.[1]

II. Organization of the meeting

4. The meeting was attended by the following Chairs: Anastasia Crickley, Committee on the Elimination of Racial Discrimination; Waleed Sadi, Committee on Economic, Social and Cultural Rights; Fabian Salvioli, Human Rights Committee; Yoko Hayashi, Committee on the Elimination of Discrimination against Women; Benyam Dawit Mezmur, Committee on the Rights of the Child; Jose Brillantes, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Jens Modvig, Committee against Torture; Malcolm Evans, Subcommittee on Prevention of Torture; María Soledad Cisternas Reyes, Committee on the Rights of Persons with Disabilities; and Emmanuel Decaux, Committee on Enforced Disappearances.

5. The Director of the Human Rights Treaties Division of OHCHR, Ibrahim Salama, opened the meeting and welcomed the Chairs. The Chief of the Capacity-

[1] See webpage of the annual meeting of treaty body Chairpersons of the OHCHR website. Available from ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

Building and Harmonization Section of the Human Rights Treaties Division of OHCHR, Paulo David, delivered a statement in which he emphasized that the 2016 meeting of treaty body Chairs coincided with the second anniversary of the adoption by the General Assembly of resolution 68/268 on strengthening and enhancing the effective function of the human rights treaty body system and with the first biennial report by the Secretary-General to the Assembly on the implementation of that resolution. He also stated that the annual meeting was an opportunity for the Chairs to reflect on their spearheading role in facilitating the harmonization of treaty bodies' working methods for the benefit of right-holders, as encouraged by the Assembly in resolution 68/268.

6. Subsequently, Mr. David proceeded with the election of officers, referring to the list of former Chairs and Vice Chairs of the annual meetings provided by OHCHR. Based on the principle of rotation, the Chair of the Human Rights Committee, Mr. Salvioli, was elected Chair-Rapporteur of the twenty-eighth meeting, and the Chair of the Committee on Economic, Social and Cultural Rights, Mr. Sadi, was elected Vice-Chair, by acclamation.

7. In his opening statement, the incoming Chair welcomed the three newly appointed Chairs to their first meeting of treaty body Chairs. He expressed his commitment to preserving and deepening the spirit of collegiality, commitment and leadership that had characterized Chairs' meetings in past years. The Chair of the twenty-eighth meeting also noted that the Chairs were meeting for the first time in New York since the adoption of General Assembly resolution 68/268 in April 2014, and that the location provided the Chairs with a unique opportunity to raise awareness of the work of the treaty bodies at United Nations Headquarters with States and to strengthen their partnership with United Nations entities and civil society representatives.

8. Following the adoption of the provisional agenda and annotations and the programme of work, the incoming Chair thanked the outgoing Chair for his excellent leadership and commitment over the past year and invited him to make a statement. The outgoing Chair, Mr. Decaux, emphasized the responsibility of the treaty bodies as guardians of the treaties they monitored as well as guarantors of the coherence of international human rights law. The imperative of universal ratification placed the treaty bodies at the heart of the human rights protection system, and he recalled the responsibility of the Secretary-General to provide the treaty bodies with the staff and material means necessary to carry out their functions. Mr. Decaux then gave an overview of the results achieved at the previous Chairs' meeting in San José, Costa Rica, in June 2015, and reported that he had briefed States at an informal meeting organized by the Permanent Missions of Costa Rica and Switzerland in Geneva. At their twenty-seventh meeting, the Chairs had noted with great interest the call of the Minister for Foreign Affairs of Costa Rica to the academic world to contribute actively to the review of the treaty body system by the General Assembly in 2020.

9. Mr. Decaux recalled that, at their twenty-seventh meeting, in the area of working methods, the Chairs had endorsed the guidelines against intimidation or reprisals (San José guidelines). By doing so, they had sent a strong signal that the intimidation of individuals and groups cooperating with the treaty bodies was unacceptable. Following the adoption of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

in 2012, the San José guidelines were another key policy instrument that reinforced the treaty body system and duly protected all parties that cooperated with it. Mr. Decaux expressed the hope that the three treaty bodies that had not yet done so would soon adopt the San José guidelines.

10. At their meeting in San José, the Chairs also adopted a statement on human rights and the 2030 Agenda for Sustainable Development at a critical time in the negotiations process, calling for a robust accountability framework for the implementation of the Sustainable Development Goals that should include information from the treaty bodies. Mr. Decaux highlighted the proposals by the treaty body Chairs for strengthened cooperation of the treaty bodies with the Inter-American Commission on Human Rights as a key outcome of the previous Chairs' meeting, which was already yielding practical results.

11. Finally, Mr. Decaux stated that the growing recognition of the role of the treaty bodies came with a great responsibility for all treaty bodies to make the system more accessible, coherent and united. It was essential that the Chairs continued to play a leading role in bringing greater coherence to the system, generalizing good practices and harmonizing treaty body working methods in the spirit of General Assembly resolution 68/268.

III. Reporting compliance by States parties

12. The meeting had before it the note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies. At their twenty-fifth meeting, the Chairs had decided to include the topic as a standing item on the agenda of the annual meeting of Chairs.

13. The Chairs noted that the issue of late and non-reporting by States parties gravely undermined the effectiveness of the treaty body system. In that regard, several Chairs noted that the practice of some treaty bodies of examining States parties in the absence of a report was positive. Upon being notified that they would be examined even without a State party report, a number of States parties had requested an extension of the deadline and submitted a report. The Chairs were of the view that, in the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue. The Chairs also discussed whether the simplified reporting procedure could be a way to address the problem of late and non-reporting and in that regard recommended that treaty bodies harmonize their procedures when necessary.

14. The Chairs also discussed the importance of bringing the issue of late and non-reporting States to the attention of the General Assembly with a view to reminding all States of their legal obligation to report to the treaty bodies. The Chairs welcomed the technical assistance and advisory services provided by the OHCHR treaty body capacity-building programme, established pursuant to General Assembly resolution 68/268, as an important tool to increase reporting compliance, in particular when States faced severe capacity constraints in complying with their reporting obligations.

IV. Adoption and implementation by treaty bodies of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

15. At their twenty-fourth annual meeting in June 2012, the Chairs endorsed the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines) (A/67/222 and Corr.1, annex I) and strongly recommended that they be promptly adopted by their respective treaty bodies.

16. Each Chair gave an overview of the operationalization of the Addis Ababa guidelines in her or his respective treaty body and shared current practices to safeguard the principles of independence and impartiality of treaty body members, such as the non-participation of treaty body members in the preparation and participation of the constructive dialogue, in the drafting and adoption of concluding observations and in the examination of communications that related to their own country or countries of nationality.

17. The Chairs also pointed out that real or perceived conflicts of interest and challenges to the requirements of independence and impartiality could be generated by factors other than a treaty body member's nationality and place of residence. Therefore, a careful analysis of the participation of a member in the various stages of the reporting process was necessary to ensure that the real and perceived neutrality and impartiality of treaty body members would not be compromised.

18. Several Chairs pointed out that States parties carried the ultimate responsibility for ensuring the independence and impartiality of treaty body members at the level of treaty body members' election and nomination. In that context, the Chairs reiterated that States should refrain from nominating or electing persons to the treaty bodies whose independence and impartiality was compromised by the political nature of their affiliation with the executive branch of the State.

V. Adoption and implementation by treaty bodies of the guidelines against intimidation or reprisals (San José guidelines)

19. At their twenty-sixth meeting, the Chairs had decided to develop and to adopt, at their twenty-seventh meeting, a joint treaty body policy against reprisals (see A/69/285, para. 111). At their twenty-seventh meeting, the treaty body Chairs unanimously endorsed the guidelines against intimidation and reprisals (San José guidelines) (HRI/MC/2015/6) and recommended their adoption by all treaty bodies.

20. As at 31 May 2016, seven of the treaty bodies had already adopted the San José guidelines. The Committee on Economic, Social and Cultural Rights and the Human Rights Committee had not yet adopted the guidelines, while the Committee on the Elimination of Discrimination against Women, in its decision 61/II, had taken note of the guidelines and decided to consider them further with a view to adapting and developing them to best reflect the treaty body's particular context, mandate and experience (see A/71/38).

21. The Chairs of the treaty bodies that had adopted the San José guidelines gave an overview of the implementation of the guidelines in their respective treaty

bodies. The Chairs then welcomed the appointment of rapporteur(s) or focal point(s) on reprisals in the respective treaty bodies. Recalling General Assembly resolution 68/268, which encouraged the treaty bodies to harmonize their working methods, the Chairs expressed the view that their endorsement of the San José guidelines was a procedural matter, as the endorsement sought to harmonize the treaty body system's response to intimidation and reprisals against individuals or groups cooperating with the treaty bodies. The Chairs noted that the guidelines did not create any additional obligations for States and should not be interpreted as the creation of a new complaint procedure. The mere fact that State parties assumed obligations to report to and cooperate with treaty bodies prohibited them from engaging in intimidation or reprisals. Several Chairs also noted that some human rights instruments explicitly recognized that obligation.[2]

22. The Chairs also noted that treaty body members could be victims of reprisals. In that regard, the Chairs noted that the protection of the San José guidelines extended to treaty body members as well.

VI. Implementation of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system

A. Common core document

23. The Chairs considered possible follow-up by the treaty body system to paragraph 3 of General Assembly resolution 68/268, in which the Assembly encouraged States parties to consider submitting a common core document and updating it as appropriate, as a comprehensive document or in the form of an addendum to the original document, bearing in mind the most recent developments in the particular State party, and in that regard encouraged the human rights treaty bodies to further elaborate their existing guidelines on the common core document in a clear and consistent manner.

24. The Chairs were presented with the statistics on common core documents as at 31 December 2015: since the adoption of the revised guidelines on the common core document in 2006, 92 States parties had submitted a common core document.[3] Of the States parties that had submitted more than one common core document, six had done so in the form of an addendum updating the previous document.

25. The Chairs acknowledged with appreciation the efforts by States parties to submit and update the common core document for use by the treaty bodies. They discussed the extent to which their respective treaty bodies were using the common core document in the preparation of and during the State party review. After discussing several options, the Chairs agreed that the time was not ripe for

[2] Including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

[3] States having submitted two or more common core documents after 2006 are counted only once.

amending the existing guidelines on the common core document, in particular in the light of the 2020 review of the treaty body system by the General Assembly. Instead, they decided to encourage States parties to ensure the common core document submitted was focused, streamlined and short. The Chairs also pointed out that States parties should be encouraged to regularly update the information provided in the common core document and make use of the possibility to present an addendum to their existing common core document, as mentioned in resolution 68/268.

B. Report of the Secretary-General on the implementation of General Assembly resolution 68/268

26. In paragraph 40 of resolution 68/268, the General Assembly requested the Secretary-General to submit to the Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work, including the number of reports submitted and reviewed by the committees, the visits undertaken and the individual communications received and reviewed, where applicable, the state of the backlog, capacity-building efforts and the results achieved, as well as the situation in terms of ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in the dialogue with the treaty bodies.

27. Under the agenda item, information was to be provided by OHCHR for the report, to be submitted to the Assembly at its seventy-first session for its consideration. The Chairs regretted that resolution 68/268 limited itself to the functioning of the treaty body system, which was not merely a technical matter, and encouraged the Assembly and all stakeholders to consider the degree of implementation at the national level of treaty body recommendations and decisions.

28. While the Chairs welcomed all initiatives seeking to collect ideas in the light of the review of the treaty body system by the General Assembly stipulated by paragraph 41 of resolution 68/268, the Chairs made it clear that the views of the treaty bodies and their Chairs should be sought in all such processes. In that context, some Chairs called for an overall reflection on the way in which treaty bodies operated and the possibility of improving their efficiency.

VII. Engagement of national human rights institutions with the treaty bodies

29. The meeting had before it three informal documents[4] prepared to facilitate the Chairs' consideration of the agenda item:

(a) Informal background paper by OHCHR on the engagement of national human rights institutions with the United Nations human rights treaty bodies,

[4] The first two papers can be found on the webpage of the annual meeting of treaty body Chairpersons of the OHCHR website: ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

presenting an overview of current treaty body practices for interaction with national human rights institutions;

(b) Background paper by the Global Alliance of National Human Rights Institutions, prepared at the request of the previous Chair of the annual meeting of treaty body Chairs, Mr. Decaux;

(c) Internal paper by Mr. Salvioli, Chair of the Human Rights Committee, on optimizing the relationship between the human rights treaty bodies and national human rights institutions.

30. The treaty body Chairs held a dialogue with Beate Rudolf, Chair of the Global Alliance of National Human Rights Institutions, on the Alliance's findings and suggestions to enhance the engagement of national human rights institutions with the treaty bodies. The Alliance had surveyed national human rights institutions in all regions to identify experiences and challenges remaining; 38 responses had been received. The background paper was prepared by the Alliance on the basis of the survey.

31. Mrs. Rudolf underscored the long-standing and productive cooperation between human rights treaty bodies and national human rights institutions and their complementary role in promoting and protecting human rights worldwide. She outlined the current possibilities for the engagement of national human rights institutions with each of the treaty bodies, including the possibility of speaking in a formal capacity during the public meeting with the State party in some treaty bodies. She also described ways in which national human rights institutions contributed to the work of the treaty bodies, such as helping the treaty bodies to formulate targeted recommendations, filing amicus briefs and following up on the concluding observations, inquiries and individual communications, all of which contributed to the implementation of international human rights treaties at the national level. She reported that the survey indicated that there was a need to harmonize the working methods of the treaty bodies, bearing in mind the specificities of their mandates.

32. In the survey, national human rights institutions also encouraged all treaty bodies to take due account of the independent status of national human rights institutions that were compliant with the Paris Principles, the particular role and legal mandates of national human rights institutions in national human rights protection and the contribution they could make to the treaty monitoring process. Responding to a query on the accreditation system of the Alliance, Mrs. Rudolf noted that in recent years the Alliance, through its subcommittee on accreditation and in cooperation with OHCHR, had strengthened its accreditation system into a robust, transparent and fair process. For instance, the sources of information on the basis of which the compliance of national human rights institutions with the Paris Principles was assessed had been reviewed and diversified.

33. The Alliance welcomed the endorsement of the San José guidelines by the treaty body Chairs and their adoption by the treaty bodies. The Alliance was interested in further exploring ways in which national human rights institutions could be protected in the event of threats or reprisals. Mrs. Rudolf stressed that the treaty bodies played an important role in addressing cases of reprisals, including those faced by national human rights institutions.

34. The Chair of the twenty-eighth meeting of treaty body Chairs proposed that the harmonization of treaty bodies' engagement with national human rights institutions be further explored at the twenty-ninth annual meeting of Chairs.

VIII. Remedies

35. The meeting had before it an internal informal paper prepared by Mr. Salvioli to facilitate the Chairs' consideration of the agenda item, entitled "Determining reparations in the individual communications procedure".

36. The Chairs discussed remedies in the context of individual communications and reported on the treaty bodies' respective jurisprudence, which showed divergence both in the terminology used and the measures recommended by the treaty bodies.

37. The Chairs agreed that there was a need to compare the jurisprudence of the respective treaty bodies, with the objective of distilling good practices and establishing the full range of remedies that could guide the treaty bodies in their decisions, including measures of restitution, monetary compensation, rehabilitation measures, satisfaction measures and guarantees of non-repetition.

IX. Inquiries: confidentiality versus publicity

38. Since several new inquiry procedures had been recently established, the Chairs exchanged experiences and practices regarding the confidential nature of the inquiry proceedings. An inquiry was triggered when reliable information was received indicating grave or systematic human rights violations. The treaty body might subsequently initiate an inquiry, conduct a country visit and issue a report with its findings.

39. The Chairs discussed the difficulty of maintaining confidentiality concerning the decision to initiate an inquiry owing to the visibility and publicity such an inquiry usually attracted. The Chairs broadly agreed that while all treaty bodies should maintain absolute confidentiality throughout the proceedings, public disclosure of the treaty body's findings, in some form and at the end of the inquiry proceedings (after the dialogue with States), was essential to ensure a victim-oriented approach.

X. Consultations

A. Consultation with States parties

40. In paragraph 39 of its resolution 68/268, the General Assembly encouraged the human rights treaty bodies to strengthen the possibilities for interaction during the annual meetings of the Chairs of the treaty bodies with States parties to all human rights treaties, held in Geneva and New York, with a view to ensuring a forum for an open and formal interactive dialogue.

41. The Chairs held consultations with States parties on 1 June 2016. In his introductory statement, the Chair of the twenty-eighth meeting of treaty bodies gave

an overview of the themes of the Chairs' meeting. He thanked States for the support given to the treaty body system through General Assembly resolution 68/268. He reported that the treaty bodies were carrying a heavy workload, including 20 additional weeks of meeting time resulting from the resolution which the treaty bodies had welcomed. Giving the example of the simplified reporting procedure, he underscored that progress was also being made in the area of working methods. He then identified a number of challenges for the treaty body system, including the reduction in 2014 of OHCHR support for the Treaties Division in the form of a reduction in extrabudgetary staff, the increase in the number of complaints received and the word limit on documentation. The Chair noted that, in 2015, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had marked their fiftieth anniversaries and that, in 2016, it had been 10 years since the adoption of the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. Each of the Chairs then took the floor to introduce the treaty body they represented.

42. In the exchange that followed, numerous States voiced strong support for the work of the treaty bodies and expressed appreciation for the guidance offered through the concluding observations. All States who took the floor also welcomed the timely opportunity to interact with the Chairs following the adoption of General Assembly resolution 68/268 in 2014. Many State representatives expressed the hope that the opportunity for dialogue in New York would be renewed at future Chairs' meetings and expressed their continued commitment to the treaty body system in the Assembly.

43. Numerous speakers expressed a keen interest in the implementation of resolution 68/268 and said they were looking forward to the first biennial report of the Secretary-General to be submitted to the seventy-first session of the General Assembly. Several speakers queried the Chairs about their views on progress in the implementation of resolution 68/268. Specific questions were asked about the consistency in treaty body working methods, in particular with respect to the modalities for the implementation of the simplified reporting procedure, the time attributed to treaty body members and State party delegations in the constructive dialogue, the concrete nature and length of concluding observations and the use by treaty bodies of the common core document. States welcomed the adoption by the treaty bodies of the simplified reporting procedures and called for the speaking time during the constructive dialogue to be attributed in a balanced manner that would allow States to respond to all questions from treaty body members.

44. Some States expressed the view that a number of the objectives of resolution 68/268 still remained to be met, making specific reference to adding a general debate to the agendas of conferences of States parties and ensuring consistent quality of the State party review. Some States expressed concern regarding requests for information addressed to States by treaty bodies outside the State party review. In the light of the increasing number of individual complaints, the question was also raised as to how to enhance the effectiveness of treaty bodies in examining individual complaints.

45. The endorsement by the Chairs of the guidelines against intimidation or reprisals in San José in June 2015 was the subject of numerous statements. While some speakers stressed the importance of ensuring that all stakeholders could

engage with the treaty bodies without fear of intimidation or reprisals, some State representatives expressed the view that the Chairs had broadened their mandate by endorsing the San José guidelines and that the guidelines created new obligations for States by setting up a new complaints mechanism. Those representatives also stressed the fact that no input from States had been sought in the drafting of the guidelines and that the process of their elaboration had not been open or transparent.

46. The treaty body Chairs clarified that the meeting of Chairs had not exceeded its mandate by endorsing the San José guidelines, since the decision to adopt the guidelines remained with the respective treaty bodies. The Chairs also recalled that several treaties contained explicit provisions spelling out the responsibility of State parties to ensure that individuals under its jurisdiction were not subjected to any form of ill treatment or intimidation as a consequence of communicating with the treaty body. In addition, the Chairs conveyed that their endorsement of the San José guidelines concerned a procedural matter that addressed a practical, methodological question related to working methods and was not politically motivated. They emphasized that the guidelines did not constitute a new legal standard, but merely sought to harmonize practices and bring coherence to the treaty bodies' response to reprisals, thereby making the treaty body system more streamlined and effective, as they were encouraged to do in General Assembly resolution 68/268. Finally, it was noted that the guidelines favoured a diplomatic solution to situations of reprisals.

47. In reference to paragraph 41 of resolution 68/268, in which the General Assembly decided to review the effectiveness of all measures taken no later than six years following the adoption of the resolution, several States inquired about the vision of the treaty body Chairs to further improve the system in the light of that review in 2020, and how the sustainability of the treaty bodies could be ensured. Several States expressed the view that a new look at the treaty body system was necessary. Some States expressed concern about duplication in the work of the treaty bodies. While some welcomed the role of the Chairs in the endorsement of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines), others expressed the view that the independence and impartiality of treaty bodies and their members had not yet been entirely achieved. The Chairs strongly rejected the allegation that treaty body members lacked impartiality.

48. The European Union noted its voluntary contribution to OHCHR to provide webcasts of the treaty bodies' public meetings, a pilot project that was to start in 2016 and would end in 2017. Switzerland noted that it was supporting the treaty body platform of the Geneva Academy for International Humanitarian Law and Human Rights as a means to enhance bilateral cooperation between treaty bodies. It also noted its support for an academic platform coordinated by the Geneva Academy to source new ideas for the future of the treaty body system in view of the 2020 review of the system.

49. Several States welcomed the OHCHR treaty body capacity-building programme, and also inquired about States' demand for technical assistance to facilitate State party reporting to the treaty bodies and to establish national mechanisms for reporting and follow-up. Underscoring the universal application of the treaties, the States' exchange with the Chairs also addressed the question of how to achieve universal ratification, and good practices to increase ratifications were discussed. In addition, the Chairs were asked if the treaty bodies were planning a

joint contribution on the implementation of the 2030 Agenda for Sustainable Development, for example through a joint general comment.

50. The Chair of the Chairs' meeting thanked States for the dialogue and constructive spirit. He expressed the hope that the support that had been expressed for the treaty body system would be reflected in the Third Committee, the Fifth Committee and the General Assembly.

D. Consultation with the Inter-American human rights mechanisms

51. At their twenty-seventh meeting, the Chairs, recognizing the complementarity between the international human rights treaty body system and the Inter-American human rights mechanisms in the protection and promotion of human rights standards, had made proposals to the Inter-American Commission on Human Rights to enhance the cooperation between the two systems (see A/70/302, annex II). The proposals covered the mutual promotion of ratifications; cooperating in the area of individual complaints; thematic cooperation in the progressive development of international law; drawing on each other's jurisprudence; contributing to the State party review; joint advocacy initiatives; and the promotion of the role of national human rights institutions and civil society organizations in the protection against reprisals of individuals and groups cooperating with the international and regional human rights mechanisms.

52. In follow-up to those proposals, the treaty body Chairs held a dialogue with the President of the Inter-American Commission on Human Rights, James Cavallaro. The Chairs started by conveying their concern regarding the financial crisis affecting the Commission and expressed their solidarity with the Commission and its secretariat. Mr. Cavallaro stated that the entire human rights protection system would be threatened if the regional human rights body were to disappear.

53. Mr. Cavallaro then gave an overview of the themes that were currently under discussion by the Commission: the rights of children and adolescents in the media; national protection mechanisms for human rights defenders; poverty; and police violence. He also expressed concern regarding the increasing number of reprisals against human rights defenders in the Americas.

54. The concrete actions taken by the treaty bodies in the past year to enhance cooperation with the Commission as well as with other regional organizations were highlighted. Such actions included the sharing of jurisprudence and analysis; bilateral contacts on thematic issues; joint press statements; the appointment in some treaty bodies of focal points for cooperation; and exchanges on good practices in the area of working methods. Further progress could still be made, for example in cross-referencing each other's decisions and in maximizing the impact of the decisions and recommendations of both systems. The President of the Commission also discussed with the treaty body Chairs the common challenge of processing a large and increasing volume of individual complaints.

55. On 3 June 2016, the treaty body Chairs adopted a press statement with the Coordination Committee of the special procedures of the Human Rights Council on the financial crisis facing the Inter-American Commission on Human Rights, calling on all governments and human rights stakeholders in the Americas to provide the necessary funds to save the Commission (see annex II).

C. Consultation with civil society organizations

56. The Chairs met with civil society organizations to explore ways and means of strengthening their engagement with the treaty bodies in the course of the State party review, and to discuss the role of civil society in following up at the national level on recommendations and decisions emanating from the treaty bodies. A number of written submissions by civil society organizations were also received.

57. In a joint statement, nine civil society organizations encouraged the Chairs to seek broad dissemination of the note by the Secretariat on timely, late and non-reporting prepared for the Chairs' meeting. They also called on those treaty bodies that did not have a dedicated procedure to deal with late and non-reporting States to adopt one, in line with existing good practices by other treaty bodies, and called on all treaty bodies to review States in the absence of a report. They further encouraged all treaty bodies to consider offering the simplified reporting procedure for initial reports in addition to periodic reports, and to systematically request meetings with representatives of late and non-reporting States to convey their concern.

58. Participants welcomed the adoption by seven treaty bodies of the San José guidelines and expressed the hope that the remaining treaty bodies would adopt the guidelines without further delay. They also stressed the importance for treaty bodies to actively investigate and follow up on cases of reprisals, and called for the creation of a common database that would regroup cases of reprisals, which would enable better coordination across treaty bodies and with the wider United Nations human rights system. They also asked treaty bodies to take steps to avoid or mitigate what they perceived as the potential problem posed by the presence of government-organized non-governmental organizations in the work of the treaty bodies which, it was alleged, created a risk of exposing and endangering genuine human rights defenders.

59. With respect to working methods, participants welcomed the endorsement by the Chairs at their twenty-seventh meeting of a common methodology for the consultation process regarding draft general comments as an important step towards making the work of treaty bodies more accessible to all stakeholders. Pointing to the good practice that existed in some treaty bodies of posting a note on the website that clearly set out the consultation process for each draft general comment, it was requested that all treaty bodies adopt such a practice.

60. Participants also welcomed the OHCHR treaty body capacity-building programme and the publication by OHCHR of a practical guide on national mechanisms for reporting and follow-up. Several participants also called on the treaty bodies to adopt and enhance follow-up procedures.

61. On the issue of individual communications, participants expressed the need to clarify the role of third-party interventions in individual communications.

62. The Chairs welcomed the valuable contribution of civil society organizations to the work of the treaty bodies and called on civil society to continue to actively participate in State party reviews and individual complaints procedures as well as in the implementation of recommendations and views from the treaty bodies.

D. Consultation with United Nations entities

63. The Chairs met with representatives of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Special Representative of the Secretary-General on children in armed conflict, Leila Zerrougui. The Special Representative of the Secretary-General submitted that a firm partnership had developed over the years between her mandate and the treaty bodies, in particular the Committee on the Rights of the Child. She highlighted that such cooperation could be still further strengthened and systematized, including with respect to mainstreaming children's rights in peace accords.

64. The representatives of the various United Nations entities and specialized agencies referred to their experiences in cooperating with the treaty bodies, particularly the preparation of input for State party reviews. UN-Women highlighted its support for the Committee on the Elimination of Discrimination against Women and its capacity-building efforts for States in the reporting process. With regard to the Sustainable Development Goals, UN-Women was advocating for recommendations emanating from the human rights mechanisms to guide the implementation by States of the 2030 Agenda for Sustainable Development. The question was raised regarding treaty body involvement in the monitoring of the Goals. UNICEF reported that it had reoriented its submissions to the Committee on the Rights of the Child, seeing the 2030 Agenda as an opportunity to enhance coherence between the two reporting processes. UNFPA highlighted that it had provided input into general comment No. 22 of the Committee on Economic, Social and Cultural Rights on the right to sexual and reproductive health.

65. The Chairs stated that the treaty body members greatly benefited from the oral and written briefings by United Nations entities and encouraged them to continue contributing to State party reviews. However, the Chairs also expressed concern regarding the lack of contributions in the areas of economic, social and cultural rights, the rights of migrant workers and the rights of persons with disabilities.

66. The Chairs further highlighted multiple forms of discrimination and encouraged United Nations entities to consider them when engaging with the treaty bodies. In particular, there was room to strengthen the gender analysis in the work of all treaty bodies. In addition, the Chairs expressed concern regarding the practice by some United Nations entities of hiring consultants to prepare State party reports to the treaty bodies when that practice occurred without ensuring participatory national dialogue and genuine involvement of State officials in the reporting process.

67. Participants also discussed ways to enhance the follow-up to and impact of State party reviews by treaty bodies, highlighting the potential for increased synergies between the treaty bodies' normative work and the implementation of treaty bodies' recommendations by States with the support of United Nations entities.

XI. Other matters

68. A representative of the Office of the Secretary-General gave an overview of the Human Rights Up Front initiative.

69. The Chairs provided an update of their intersessional work on the Sustainable Development Goals, including their joint contribution to the high-level political forum. They spoke of the need to continue to closely follow the accountability framework for the implementation by States of the commitments made in the 2030 Agenda for Sustainable Development.

70. The Chairs also discussed the need to increase the visibility and knowledge of the work of treaty bodies among States, civil society and United Nations entities. Against that background, the Chairs adopted a statement on the anniversaries of several treaties (see annex I).

71. In the light of General Assembly resolution 68/268, and in particular of the call by States parties to strengthen interaction with them in New York and of the 2020 review of the resolution by the Assembly, the Chairs decided to hold the annual Chairs' meetings leading up to 2020 in New York. The Chairs also emphasized the importance of strengthening their interaction with the Secretary-General.

XII. Decisions and recommendations

72. The Chairs expressed their gratitude to the Human Rights Institute of Columbia Law School for hosting the first day of meetings and for facilitating an informal dialogue with the President of the Inter-American Commission on Human Rights.

A. Role of the Chairs in the area of working methods and the follow-up to General Assembly resolution 68/268

73. The Chairs reiterated the commitment of the treaty bodies to continue to review good practices in the area of working methods and rules of procedure. They also reiterated their support for strengthening and enhancing the effective functioning of the treaty body system as reflected in General Assembly resolution 68/268. The Chairs recalled that effective follow-up to that resolution depended on a constructive partnership among all stakeholders.

74. In that context, the Chairs recalled the encouragement by the General Assembly to the treaty bodies to continue to enhance the role of the Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods, generalizing good practices and methodologies across all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

75. Welcoming all initiatives that seek to collect innovative ideas in the light of the 2020 review of the treaty body system by the General Assembly, in accordance with paragraph 41 of resolution 68/268, the Chairs recommended that the views of the treaty bodies and their Chairs be sought at all stages of those processes.

76. While welcoming the improvements resulting from resolution 68/268, the Chairs reiterated the need for OHCHR to have the material and human resources necessary for the treaty bodies to perform their work as required by the treaties. The Chairs also noted that the rigorous application of word limits on documentation occasionally made their work more difficult and that the lack of translation of some documents into all working languages caused serious difficulties.

B. Ratification and reporting compliance by States

77. The Chairs called for the universal ratification by States of international and regional human rights treaties. Welcoming the note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies, the Chairs expressed concern regarding the large number of States whose reports were still overdue and the protection gap that created for right-holders.

78. The Chairs encouraged all States facing capacity constraints to solicit the technical assistance and advisory services of the OHCHR treaty body capacity-building programme, created under General Assembly resolution 68/268 to develop capacities by States to implement the treaties and which specifically provides technical assistance to States for reporting to the treaty bodies.

79. The Chairs expressed concern regarding the increasing use of consultants to draft State party reports to the treaty bodies without ensuring that the State party report was the result of a participatory national dialogue and assessment of the implementation of human rights treaty provisions.

80. The Chairs recommended that all treaty bodies, as appropriate, promote the simplified reporting procedure as a means to improve reporting compliance by States parties. In that regard, the Chairs recommended that the treaty bodies adopt similar modalities for the simplified reporting procedure and, when required, harmonize their procedures.

81. The Chairs further recommended that treaty bodies consider recommending to States that they establish national mechanisms for reporting and follow-up, considering that the States that have established such national mechanisms have increased their ability to report and engage with the international and regional human rights systems.

82. In addition, the Chairs suggested that treaty bodies consider, in the absence of a State party report, the review of States parties whose reports are very long overdue, which is an already existing practice in some treaty bodies. In the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue.

83. The Chairs requested the Chair of the twenty-eighth meeting to inform the General Assembly of overdue reports to the treaty bodies along with a request to incorporate an item on that subject in the agenda of the Assembly.

84. The Chairs reaffirmed the decision taken at previous meetings to include reporting compliance by States parties as a standing item on the agenda of the

annual meeting of the Chairs. They further requested OHCHR to continue to update the statistics on reporting compliance by States on its website.

C. Implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

85. The Chairs appreciated the broad support for the Addis Ababa guidelines on the independence and impartiality of treaty body members and recommended that the implementation and use by all treaty bodies of the guidelines be ensured.

86. The Chairs also reiterated that States should refrain from nominating or electing persons to the treaty bodies whose independence and impartiality was compromised by the political nature of their affiliation with the executive branch of the State.

87. Members of treaty bodies should consequently avoid functions or activities which could be, or could be seen by a reasonable observer to be, incompatible with the obligations and responsibilities of independent experts under the relevant treaties. Encouraging further harmonization, the Chairs highlighted the measures put in place by different treaty bodies to ensure that all members continued to carry out their functions independently and impartially, and were also seen to do so.

D. Implementation of the guidelines against intimidation or reprisals (San José guidelines)

88. The Chairs appreciated the broad support for the San José guidelines against intimidation or reprisals and recommended that the implementation and use by all treaty bodies of the guidelines be ensured.

89. The Chairs also welcomed the appointment of rapporteur(s) or focal point(s) on reprisals in the respective treaty bodies and encouraged them to work together to align the approaches taken to prevent and protect individuals and groups against intimidation or reprisals in order to enhance consistency across the treaty body system, including through meetings as appropriate.

90. The Chairs also reaffirmed their decision, first made at their twenty-sixth meeting, to include reprisals as a standing item on the agenda of the annual meeting of the Chairs.

E. Common core documents

91. The Chairs underscored the importance of streamlined, focused and up-to-date common core documents and encouraged States parties to make use of the possibility to present an addendum to their existing common core document.

F. Engagement of national human rights institutions with the treaty bodies

92. The Chairs acknowledged the vital role of national human rights institutions, in accordance with the Paris Principles, with regard to the protection and promotion of human rights and the long-standing cooperation between treaty bodies and national human rights institutions. Following their constructive engagement with the Chair of the Global Alliance of National Human Rights Institutions during their twenty-eighth meeting, the Chairs decided to consider a common treaty body approach to engagement with national human rights institutions at their twenty-ninth meeting.

G. Remedies

93. The Chairs had an exchange of views with respect to the practices in the area of remedies in the different treaty bodies and encouraged the meeting of Chairs to continue that dialogue.

H. Inquiries

94. The Chairs had an exchange of views with respect to the practices in the area of inquiries in the different treaty bodies and encouraged the meeting of Chairs to continue that dialogue.

I. Follow-up to the proposals by the Chairs at their twenty-seventh meeting to the Inter-American Commission on Human Rights

95. The Chairs welcomed their continued engagement with the Inter-American Commission on Human Rights and adopted a press statement with the Coordination Committee of the special procedures of the Human Rights Council on the financial crisis facing the Commission.

J. Treaty anniversaries

96. The Chairs adopted a statement on the occasion of the anniversaries of human rights treaties in 2016. They agreed to issue future statements on the tenth, twenty-fifth and fiftieth anniversaries of the adoption of human rights treaties.

K. 2030 Agenda for Sustainable Development

97. The Chairs welcomed their intersessional work on the Sustainable Development Goals and the joint contribution in that regard to the high-level political forum. They decided to continue to closely follow the accountability framework for the implementation by States of the commitments made in the 2030 Agenda for Sustainable Development.

L. Agenda, location and Chair of the twenty-ninth meeting of treaty body Chairs

98. The Chairs decided to include the following items on the agenda of their twenty-ninth annual meeting:

(a) Follow-up to General Assembly resolution 68/268;

(b) Reporting compliance by States parties;

(c) Follow-up to concluding observations, decisions and views;

(d) Implementation of the Addis Ababa guidelines;

(e) Implementation of the San José guidelines;

(f) Development of a common treaty body approach to engaging national human rights institutions;

(g) Treaty bodies and the Sustainable Development Goals;

(h) Strategies for the visibility of the treaty body system;

(i) Remedies;

(j) Inquiries;

(k) Any other business.

99. The Chairs decided, in the light of General Assembly resolution 68/268, and in particular of the call by States parties to strengthen interaction with them in New York and of the 2020 review of the resolution by the Assembly, to hold the annual Chairs' meetings leading up to 2020 in New York. In that context, they also expressed the wish to strengthen their relationship with the Secretary-General.

100. The Chairs decided that, in accordance with the principle of rotation, the Chair of the twenty-ninth meeting of Chairs in 2017 would be the Chair of the Committee on Economic, Social and Cultural Rights and the Vice-Chair would be the Chair of the Committee on the Elimination of Racial Discrimination.

Annex I

Statement of the 28th Meeting of Chairpersons of UN Human Rights Treaty Bodies on the occasion of the Anniversaries of Human Rights Treaties in 2016

The Chairpersons of the UN Human Rights Treaty Bodies, representing 172 independent human rights experts, celebrate the anniversary of the adoption of four human rights treaties whose contribution in the field of promotion and protection of human rights has been significant:

- The 50th anniversary of the International Covenant on Economic, Social and Cultural Rights
- The 50th anniversary of the International Covenant on Civil and Political Rights
- The 10th anniversary of the International Convention on the Rights of Persons with Disabilities
- The 10th anniversary of the International Convention for the Protection of All Persons from Enforced Disappearance

The Chairpersons call on States that are not yet Parties to all UN human rights core treaties and protocols, or have not made a declaration accepting the mechanism contained therein, to do so, joining universal agreements on these matters that define standards of promotion and protection of human rights for all people, without exception.

The Chairpersons recognize the important contribution of civil society and other stakeholders, such as UN agencies and national human rights institutions, to the work of the UN human rights treaty bodies.

The Chairpersons also reiterate the link between human rights and the 2030 Sustainable Development Agenda, which is reflected in the work of the human rights treaty bodies.

The Chairpersons of the UN human rights treaty bodies invite the international community in different parts of the world to join these celebrations during 2016, reinforcing the process of effective implementation of all human rights treaties which give strength to a 21st century based on the full respect for the human person.

Committee on the Elimination of Racial Discrimination

Human Rights Committee

Committee on Economic, Social and Cultural Rights

Committee against Torture

Subcommittee on Prevention of Torture

Committee on the Elimination of Discrimination against Women

Committee on the Rights of the Child

Committee on the Rights of Persons with Disabilities

Committee on the Protection of all Migrant Workers and Members of Their Families

Committee on Enforced Disappearances

Annex II

Press release on the financial crisis of the Inter-American Commission on Human Rights

"We cannot let it go bankrupt" — Two key UN rights bodies urge crucial funding for regional rights organ

GENEVA (3 June 2016) — *The two largest independent bodies and mechanisms in the United Nations human rights system* express their grave concern about the future of the Inter-American Commission on Human Rights (IACHR) as it faces a financial crisis that threatens its existence.*

The Coordination Committee of Special Procedures and the Chairpersons of Human Rights Treaty Bodies call on all Governments and human rights stakeholders in the Americas to provide the necessary funds to save one of the leading regional rights systems.

"The Inter-American Commission on Human Rights is in crisis, deep financial crisis. A crisis so acute that it was compelled to put on hold all the visits and the two sessions planned for later this year. In addition, 40 per cent of its staff in Washington will not have their contracts renewed at the end of July, unless funds or pledges are received by 15 June.

Such drastic measures will inevitably endanger the capacity of the Commission to effectively and independently implement its mandate.

Should no solutions be found urgently, the impact on victims, petitioners and the broader civil society, as well as the whole human rights situation in the region, would be unmeasurable.

The IACHR is one of the oldest regional human rights bodies. It has developed over the years a solid mechanism for protecting hundreds of thousands of individuals against human rights violations. It has also provided invaluable guidance to States on how to promote and protect human rights.

All of this has no equivalent in monetary terms. States should value this much higher than the amount needed to avoid this unprecedented weakening of the IACHR.

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* ***The UN human rights mechanisms:***
Special Procedures *— the largest body of independent experts in the UN Human Rights system — is the general name of the independent fact-finding and monitoring mechanisms of the Human Rights Council that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity. For more information, log on to: http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.*
The Human Rights Treaty Bodies *are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty. There are ten human rights treaty bodies composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by State parties. The experts are independent from any government or organization and serve in their individual capacity. Learn more, log on to: http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx.*

This will not only negatively affect the Inter-American region but also all those who have developed cooperation with the IACHR over the years, in particular other regional and international human rights protection systems.

The IACHR is a well-respected and valued partner for the UN human rights mechanisms, particularly Special Procedures and Treaty Bodies. The UN human rights mechanisms have taken crucial inspiration from the forward-looking and ground-breaking work of the IACHR and its unrelenting commitment in promoting and protecting human rights in the region.

The twenty-first century should be characterized by strong support from States, regional and universal organizations to international bodies for the protection of human rights, including the provision of sufficient human and material resources to effectively fulfil their mandate. No budgetary reason can justify the weakening of international and regional mechanisms that monitor human rights.

A strong and independent regional human rights mechanism is a key ally for the UN human rights protection system. The very fact that the IACHR is threatened in its core mandate and function by a financial crisis is unacceptable.

However, this crisis can be resolved.

We call on all States to urgently pledge the funds necessary for the IACHR, without any conditions, to resume its work for the benefit of all in the region, in line with their international and regional human rights obligations. We also call on other stakeholders to come forward with financial resources to support the Commission.

We simply cannot let it go bankrupt."

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Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The Secretary-General submits the present report in response to General Assembly resolution 70/159, in which the Assembly requested the Secretary-General to seek the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-first session a substantive report on the impact of globalization on the full enjoyment of all human rights based on those views, including recommendations on ways to address the subject. The report provides a summary of the views received from the Governments of Bahrain, Burkina Faso, Cuba, El Salvador, Kuwait and Mauritius, as well as from the Economic and Social Commission for Asia and the Pacific. The report identifies common concerns and topics of interest. It concludes by making recommendations on how to address the impact of globalization on the full enjoyment of human rights.

* A/71/150.

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I. Introduction

1. In its resolution 70/159, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/70/154) and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-first session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 10 March 2016 to Member States and relevant agencies of the United Nations system for their views on the issue. As at 15 July 2016, OHCHR had received responses from the Governments of Bahrain, Burkina Faso, Colombia, Cuba, El Salvador, Kuwait and Mauritius, as well as from the Economic and Social Commission for Asia and the Pacific (ESCAP).

3. The replies are summarized below followed by conclusions and recommendations to address the impact of globalization on the full enjoyment of all human rights.[1]

II. Summary of replies received

A. Member States

Bahrain

4. The Government of Bahrain indicated that free trade and foreign investment agreements were part of the globalization process and represented significant elements for creating a free world economy built upon the pillars of democracy and justice. For example, Bahrain's free trade agreement with the United States of America had effectively stimulated the Bahraini economy in terms of building capital and foreign investment, which ultimately contributed to expanding employment opportunities and elevating living standards.

5. Bahrain regarded domestic labour laws as key factors in ensuring the protection of human rights, especially when considering free trade, foreign investment agreements and the potential impacts of globalization. In that regard, Bahrain's standards of treatment for expatriates and local employees, in addition to the pre-established court rules, had helped ensure the physical and moral integrity of employees. Bahrain's Labour Law focused on non-discrimination of employees on any grounds, including the protection of female employees by increasing maternity allowances and improving working conditions in terms of wages, working hours, overtime and holiday leave. The country's labour legislation also protected workers with children and established a minimum age of employment.

6. Bahrain expressed its concerns regarding the ability of developing countries to handle the negative impacts of globalization. Globalization might hinder the economic development processes of these countries and undermine their local

[1] The texts of the original submissions are on file with the Secretariat and are available for consultation.

economies, making it inconsistent with the principles of promoting a just and global economic system aimed at increasing the prosperity of all nations. Therefore, all countries needed to act in favour of global communities and not just individual country goals.

Burkina Faso

7. The Government of Burkina Faso listed some of the major impacts of globalization on the full enjoyment of all human rights. It emphasized that international trade rules and human rights norms had developed on separate and sometimes contradictory tracks. Burkina Faso warned that liberalization should not be synonymous with deregulation. It called on the international community to respect fundamental human rights, with regard to the protection of the environment and the regulations of the host countries.

8. All strategies to prevent and solve conflicts must be centred on the respect of economic and social rights of populations, particularly of minorities. The scarcity of resources and the struggle to assure minimum standards of living in situations of extreme poverty created conflicts between communities. The Government was undertaking efforts for the prevention of conflict, such as the establishment of a national observatory for the prevention and management of community conflicts. For certain populations, the enjoyment of the rights to education, work, housing and an adequate standard of living was not possible without forsaking their cultural identity, in particular their language and way of life. International efforts were needed to protect cultural identities from the effects of globalization. There was a need to eliminate prejudices that obstructed the participation of women in the benefits of globalization. Burkina Faso therefore adopted a national plan of action against the social exclusion of women accused of witchcraft, which would reinforce the capacity of organizations fighting against their social exclusion.

9. Burkina Faso affirmed that access to justice was limited by extreme poverty. At the national level, human and financial resources were needed to guarantee access to justice. To this end, the State had set up judiciary assistance funds to further allow indigent persons access to justice. The international regime for the protection of migrant workers needed to be reinforced in order to protect them from exploitation and to fight against transnational crime. Burkina Faso was developing a national migration strategy that would contribute to improved management of migration flows and combat the negative effects of migration such as discrimination. As a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the country had adopted legislative, administrative and judicial measures to better protect migrants, including a law to combat trafficking in persons.

10. Appropriate measures must be taken in an inclusive way among States to promote equitable development that is conducive to eradicating poverty. However, most often developing countries were excluded from economic decisions and therefore struggled to assert their views and their interests internationally. Globalization translated not only into integration but also into fragmentation. Burkina Faso therefore had a cultural policy that sought to create an identity adapted to modern times and to consolidate social peace as a factor of economic growth and development.

Colombia

11. The Government of Colombia deemed opportune the initiatives of the General Assembly to promote development, to eradicate poverty and to fight inequalities among and within States, by stressing the need for States to confront the negative effects of globalization on the full enjoyment of human rights, in particular in developing States. There was a need to strengthen cooperation to promote fair, equal and inclusive globalization that built capacity for the economic sector without affecting the enjoyment of human rights.

12. A fair analysis of the effects of globalization on human rights needed to address its social dimensions, including its effects on poverty, gender inequality, food insecurity, unemployment and discrimination. Colombia had implemented policies aimed at generating greater social equity and guaranteeing human rights, while attempting to mitigate the negative effects of globalization. From 2010 to 2015, poverty and extreme poverty in the country had decreased by 12 per cent and 6.3 per cent, respectively. Access to higher education and housing had increased significantly. In addition, access to potable water and basic sanitation had been provided to millions of families.

13. Furthermore, the Government had initiated a participatory multi-stakeholder process to develop a national plan of action on industry and human rights. The plan was based on the conviction that industry and transnational companies must respect human rights. Human rights, sustainability and corporate responsibility should not be regarded as separate concepts. On the contrary, sustainability strategies allowed corporations to take into consideration the human rights of employees, the surrounding communities and value chains that ultimately increased quality and efficacy.

14. Governments had to implement participatory and integral policies to recognize both the responsibilities and needs of corporations. Colombia was formulating a policy on social corporate responsibility with an initial focus on minimum legal standards, and the ultimate objective of achieving respect and promotion of human rights, labour practices, transparency and anti-corruption, and the mitigation of environmental damage. In addition, Colombia reiterated the need to eliminate hunger and ensure food security for all. In that regard, globalization must be used as a tool to combat malnutrition and to combine efforts to fight it.

Cuba

15. The Government of Cuba recognized that globalization had profound repercussions on the enjoyment of human rights. Globalization created and reinforced interdependencies, and thus all communities must participate in the management of global processes in order to share responsibility. The role of the General Assembly was central as the universal forum to reshape the globalization process. Globalization should constitute a positive force for the economic and social development of all States; however, its main benefits were being enjoyed by developed countries, while the costs were absorbed by poor States. This had had a negative impact on the full enjoyment of human rights. The international agenda must aim to reduce the unequal distribution of the benefits of globalization and to narrow the gap between the rich and poor, among and within countries.

16. Cuba listed the global economic crisis and speculative competition, the expanding business of warfare, unsustainable patterns of energy production and consumption, systematic damage to the environment and the food crisis as some of the negative effects of globalization. Other effects included the imposition of one model of democracy on developing countries. Cuba argued that globalization had diminished the financial and economic capacity of States to realize the right to development, as well as their ability to guarantee basic public services. It was advancing a process of neocolonialism as transnational corporations increased their influence on developing countries, which infringed upon the right to self-determination. Globalization had increased restrictions on migration towards the industrialized world, and was contributing to the expansion of drug trafficking, prostitution, human trafficking and discrimination. Similarly, instead of facilitating technology transfer, intellectual property regimes had been strengthened to protect monopolies, perpetuating the dependency of developing countries.

17. Existing inequalities had sharpened and made illusory the aspirations to count on open, multilateral, transparent and democratic financial and monetary systems, based on coherent and non-discriminatory rules, to better distribute the benefits of a global economy. The international community was far from establishing a social order where their liberties were in effect, as proclaimed in the Universal Declaration of Human Rights, the Declaration on the Right to Development and the Vienna Declaration and Programme of Action adopted by the World Conference of Human Rights. It was necessary to strengthen international cooperation and build a more humane and equitable international order in which social justice and international solidarity were central.

18. Cuba called for the establishment of a transparent and democratic international financial system. Specific measures proposed included a development tax, the cancellation of foreign debt, increased development assistance — which should not be conditional or subordinate to the economic and political interests of donors — and preferential trade agreements that compensated for growing inequalities. It also called for the reform and democratization of the United Nations in order to increase its efficiency. Cuba reiterated the importance of placing development as a central element of the International Economic Agenda with a view to adopting the necessary policies and means at the international level that corresponded to the needs of developing countries.

El Salvador

19. The Government of El Salvador recognized that market liberalization generated an interest in countries to attract investment capital which could lead to a race to attract industries searching for financial incentives and a low-cost workforce. Although these investments could be a source of production and employment which could ultimately favour economic and social development for countries, they did not always contribute to the effective enjoyment of the right to an adequate standard of life by all. Globalization also posed a risk to the environment because of the overexploitation of natural resources and industrial pollution.

20. El Salvador recognized that globalization had economic, political, social and environmental facets and could be a risk to the effective enjoyment of all human rights. It was the responsibility of States to mitigate its potential risks and increase

its opportunities by adopting policies that created social equity and inclusion. States must guarantee the adequate functioning of the institutions that conducted the process of globalization in order to ensure that globalization was paired with the progressive development of human rights.

21. In that context, El Salvador had established a five-year plan aimed at attaining higher standards of prosperity, inclusion, equality and democracy in the country. The plan sought to prioritize the right of all individuals to a dignified, full and happy life free of discrimination; to ensure that human fulfilment occurred collectively, equally and in a mutually supportive manner, in a context of peace, equity, deep respect and harmony with nature; to actively lead the process of "good living"; and to ensure balance and shared responsibility among the various national actors.

22. El Salvador warned that, in order to diminish the negative effects of globalization on all human rights, there was a need for sovereign States with strong institutions, capable of taking their own decisions and having control of their territories, to establish a legal order that guaranteed safety, well-being, sustainable development and conditions of equality for all.

Kuwait

23. The Government of Kuwait indicated that globalization had affected the political, economic, cultural and social lives of Kuwaiti communities and those of communities of other countries. In that context, the country had taken steps towards promoting and strengthening community partnerships and promoting the establishment of non-governmental organizations that focused on human rights.

24. Kuwait identified several mechanisms that would help the country to cope with the negative effects of globalization on the full enjoyment of human rights. For example, the country established a national fund for small and medium enterprise development to protect such enterprises against the inflationary effects of market prices. Similarly, a social assistance system had been developed to diversify income sources and provide for social safety net mechanisms, in order to accommodate the countrywide economic and social changes resulting from globalization. Kuwait announced that it was engaging in a number of agreements with the World Bank to develop a strategic framework for safety nets in order to restore economic and social balance, while ensuring the protection of human rights.

25. In line with advancing globalization, Kuwait had taken steps towards promoting cooperation between the Government and civil society organizations, as well as with the United Nations Development Programme, in order to achieve the Sustainable Development Goals. In particular, the country was working towards achieving Goal 5 on achieving gender equality and empowering all women and girls through the organization of a national forum on the topic. Other measures were aimed at promoting growth in domestic and external spending projects, facilitating the creation of development institutions, and supporting governmental and private institutions engaged in development work.

26. Furthermore, through the application of democratic principles and the use of technology, the country has continued to raise awareness of civil society institutions and of the general population regarding human rights, and ensure the openness of social systems and the cohesion of different cultures and societies. Kuwait also

sought to consolidate its role as a hub for humanitarian work. To that end, it acknowledged that technology played an influential role in social development, by expediting the delivery of help to societies affected by natural disasters and conflict.

27. Finally, Kuwait noted some of the negative social effects of globalization, such as the emergence of organizations that take advantage of their social role and partnership in the community for purposes beyond those upon which they were established; the influence of globalization on national cultural identity, including the effect of social media on family cohesion through the spread of negative values; the impact of rapid technological advancements that provided young people with access to a worldwide network of organizations involved in terrorism and acts of violence; and the negative impact of technological development, as this facilitated human trafficking.

Mauritius

28. The Government of Mauritius believed that the Human Rights Council should take into consideration the fact that small island developing States faced greater challenges in mobilizing resources. In that regard, the country had undertaken a number of initiatives to reduce its vulnerability to external factors and increase its resilience to economic shock. Despite fiscal reforms, there were limitations to financing mobilization as the country's tax base was limited, with no capacity to benefit from economies of scale. The reforms were also constrained by the debt level ratio, a high level of unemployment and an ageing population. Therefore, efforts to address the negative effects of globalization on the full enjoyment of all human rights should take into consideration the specific needs and realities of small island developing States.

29. Conscious of the need to combat the scourge of poverty in a sustainable manner and through a multi-pronged approach, the country had developed a Marshall Plan against poverty. The plan would further promote the full enjoyment of the economic and social human rights of vulnerable people in Mauritius. The advent of globalization had led business activities to transcend national borders, making the commercial world more progressive and interdependent. The globalization of markets and economies had raised a need for competition laws in developing countries. Large multinationals had negatively influenced the domestic market with anticompetitive practices, resulting in a diffused impact on the economic stability and competitiveness of importing markets. Mauritius suggested the enforcement of competition laws and policies to depress the negative effects of anticompetitive conduct in both domestic and foreign markets.

30. Competition law and policy should be aimed at emulating free market conditions, stimulating economic efficiency and promoting redistributive justice between consumers and enterprises. In that context, it was significant to protect socioeconomic rights and property rights. A successful competition policy should achieve legitimacy, address all interest groups and social classes, and confront economic problems as they arise. Mauritius also advocated for public procurement policies as a means of ensuring the efficient allocation of public resources and combating corruption. Competition law and policy must address the concerns of the lower classes and the major economic problems confronting them, in particular unemployment, poverty, and inequality in wealth, income and opportunities.

31. Agriculture and small and medium enterprises were sectors that felt a greater impact in terms of providing employment for the poor and ensuring food security. The economic agents involved in these sectors had weaker bargaining power against providers of inputs such as fertilizers and agrochemicals. As such, providing exemptions to economic agents in these sectors could be of greater benefit for society and help in the achievement of inclusive and sustainable growth. The extent to which the reduction of entry barriers would affect prices and alleviate poverty through competition law enforcement would be influenced by the market in which competition law was being enforced. This could serve to guide the strategic choices of enforcement agencies. Effective market interventions could have real and long-term effects that encouraged economic equity. It further had the potential to address exclusionary market structures that tended to create concentrated wealth distribution that did not trickle down.

B. United Nations organizations

Economic and Social Commission for Asia and the Pacific

32. The Economic and Social Commission for Asia and the Pacific (ESCAP) identified areas where globalization had had an impact on the enjoyment of human rights. In respect of macroeconomic policy and financing for development, it emphasized that financial regulation along with judicious use of macroprudential measures were key to reduce instability, which disproportionately affected the poor and the vulnerable. It was crucial to reform the international monetary system in order to secure sustained global financial stability and to support efforts to improve financial regulation and supervision at the domestic level.

33. ESCAP highlighted the role of microfinance, and recognized that economies in Asia and the Pacific were facing increasing economic and financial turbulence owing to heightened uncertainty in the wake of several emerging risks. Many people, especially vulnerable groups, continued to be excluded from basic financial services owing to cultural factors, underdeveloped financial institutions, weak financial literacy and a lack of targeted support. Global and regional advocacy, knowledge exchange and capacity support would be crucial for promoting greater financial inclusion. Regional tax cooperation strategies were important policy tools in promoting shared prosperity through targeted tax incentives to align the behaviour of the private sector with the principles of the Sustainable Development Goals.

34. Among other activities, ESCAP supported the efforts of many countries for the realization of the human right to be recognized as a person before the law. Member States had committed to achieving universal registration of births and deaths by 2024. In terms of trade, investment and innovation, ESCAP coordinated research and training efforts to increase the understanding of policymakers about social implications of preferential trade agreements. Furthermore, the agency would be assisting Member States to develop data sources and indicators to support the development of social investment.

35. In order to reduce discrimination against persons with disabilities, ESCAP had been working to enhance national capacity as a tool to enhance participation of this group in social and economic development. The focus had been to promote ratification and implementation of the Convention on the Rights of Persons with

Disabilities. Legislative reviews on compliance with the Convention had been undertaken in three Member States. The Economic and Social Commission for Asia and the Pacific had also undertaken efforts aimed at addressing the potential negative impacts of globalization on employment for women.

III. Conclusions and recommendations

A. Conclusions

36. The above responses reaffirmed the view that globalization was a multifaceted process that affected the political, economic, cultural and social aspects of life, deepening inequities that affected developing countries disproportionately. Its main benefits were enjoyed mostly by developed countries while its costs were absorbed by poorer ones. This adversely affected the full enjoyment of human rights, including the right to development, in both developed and developing countries. Concerns remained regarding the ability of developing countries to handle the negative implications of globalization, as it hindered their economic development processes. In addition, developing countries were often excluded from economic decisions that affected them.

37. Concerns were raised on a range of specific issues, including in relation to the realization of human rights in the context of globalization and the implementation of the Sustainable Development Goals, namely, the need to: eliminate prejudices that obstructed the participation of women in sharing the benefits of globalization; eliminate discrimination of persons with disabilities; protect cultural identities from the negative effects of globalization; and guarantee access to justice, which was constrained by the existence of extreme poverty. It was also affirmed that globalization enabled the expansion of drug trafficking, human trafficking and discrimination, and posed a significant risk to the environment.

38. Good governance within each country and at the international level was needed in order to ensure that globalization was complemented by the progressive development of human rights. Sovereign States should be able to establish legal orders that guaranteed safety, well-being, sustainable development and conditions of equality for all.

39. Strengthened international cooperation was required to build a more humane and equitable international order, in which social justice and international solidarity were dominant. There was also a need for cooperation between Governments and civil society organizations. The United Nations was recognized as the universal forum where an enabling environment for the realization of all human rights, including the right to development, could be promoted. However, some respondents called for reform and democratization of the Organization.

40. It was acknowledged that free trade and foreign investment agreements played a significant role in the world economy. However, international trade rules and human rights norms had developed along separate paths. Globalization had diminished the capacity of States to realize the right to development, ultimately deepening inequalities and denying access to basic services and rights to millions of individuals. Small island developing states faced even greater challenges in mobilizing resources to cope with the negative impacts of globalization, despite

their efforts to reduce their vulnerability to external factors and increase their resilience to economic shocks.

41. Respondents called for the establishment of an equal, transparent and democratic international financial system. Domestic labour laws were key factors to ensuring the protection of human rights. Financial regulation was crucial to reduce instability, which often had disproportionately affected the most vulnerable. Governments had the duty to promote responsible operations of transnational corporations and other businesses which contribute to the promotion, protection and fulfilment of all human rights.

B. Recommendations

42. The international community must promote equitable development that is conducive to eradicating poverty, prioritizing the equal distribution of the benefits of globalization and narrowing the gap between the rich and poor, among and within countries. States must ensure that their positions on sustainable development, trade, finance and investment are at all times consistent with their human rights obligations. Cooperation and participation need to be strengthened at all levels in order to promote fair, equal and inclusive globalization that builds capacity for economic sectors without affecting the enjoyment of human rights.

43. The steady growth of international and transnational business and global value chains calls for more effective regulation. With a new role for multi-stakeholder finance in development and an increasingly engaged transnational civil society, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the Paris Agreement and the Declaration on the Right to Development — which informed the 2030 Agenda — must be guiding forces in realizing the vision of a sustainable social and international order in which all rights and freedoms are achieved for all humanity.

44. Among other pressing issues, the international protection of migrant workers needs to be strengthened in order to avoid exploitation and transnational crime. Countries must also join efforts in order to combat malnutrition and address the growing threat of climate change. Competition law and policy must address issues such as unemployment, poverty and inequality Regional tax cooperation strategies should be strengthened to align the private sector with the Sustainable Development Goals. Intellectual property regimes should be reformed so they facilitate technology transfer and universal access to medicines.

45. The trend of hiding assets in offshore jurisdictions is yet another manifestation of ascendant globalization and its poor regulation, and the dire need for accountability. Similarly, spiralling expenditure on arms combined with growing social strife worldwide, tax evasion, illicit financial outflows and systemic arrangements deprive Governments of resources and erode domestic policy space, especially in low- and middle-income countries, and deny the progressive realization of rights and peoples' access to public goods and services. In an integrated global economy, they also reverse social welfare in advanced economies and aggravate inequalities everywhere.

46. Free trade agreements and investment treaties have a direct impact on human rights. They can diminish the domestic policy space required to regulate in the public interest and to deliver on human rights obligations. They must therefore be negotiated with active involvement, consultation and the consent of the general public, and must not undercut guarantees of economic, social and cultural rights, including the rights to food, water, health and social security. Towards this end, human rights impact assessments are an essential prerequisite to future agreements. These should include recommendations on mechanisms for private sector accountability and victim redress.

47. Efforts to reshape globalization must aim to protect the environment while respecting the regulations of host countries and to end all discrimination in accessing the benefits of globalization. They must involve the free, active and meaningful participation of historically excluded groups such as women, the poor, persons with disabilities, children, older persons, indigenous peoples and minorities. Good governance at all levels is a prerequisite to achieving an equitable, transparent and democratic international system where developing countries can participate in international economic decision-making and norm-setting on an equal footing with developed States.